
County of Loudoun
Department of Planning
MEMORANDUM

DATE: November 1, 2010

TO: Sophia Fisher, Project Manager, Land Use Review

FROM: Marie Genovese, AICP
Planner III, Community Planning

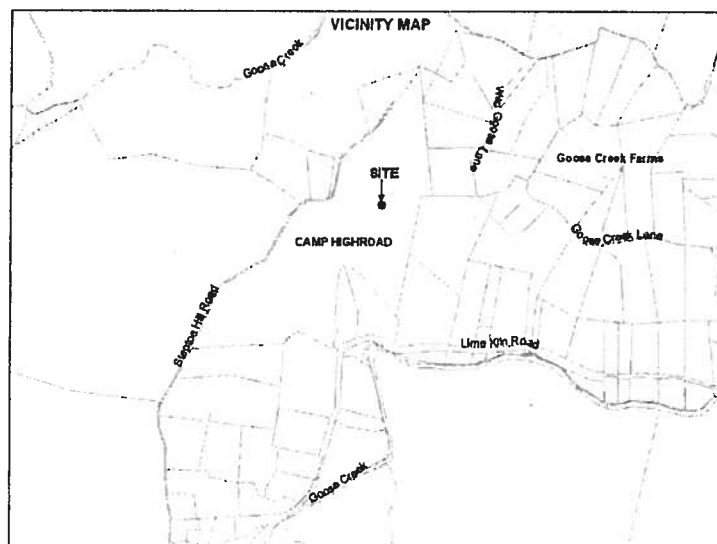
SUBJECT: SPEX 2009-0016 & CMPT 2009-0005, Steptoe Hill Tree Monopole, Second Referral

EXECUTIVE SUMMARY

The applicant is requesting a Special Exception and Commission Permit to construct a 154-foot tree-pole within the Rural Policy Area. The proposed facility's relocation from a high point is consistent with the policies of the Strategic Land Use Plan for Telecommunication Facilities; however visual impacts from rights-of-way and individual properties remain.

BACKGROUND

The applicant, New Cingular Wireless PCS, LLC (AT&T), is requesting a Special Exception and Commission Permit to construct a telecommunication facility on the subject site located on the Northern Virginia United Methodist Camps and Conferences (Camp Highroad) property on the east side of Steptoe Hill Road (Route 763), west of the Goose Creek Farms subdivision, and north of Lime Kiln Road (Route 733) (see Vicinity Map). The facility is proposed as a 154-foot stealth tree-pole (evergreen) designed to accommodate up to three (3) telecommunications providers, including AT&T. An 11



foot by 11 foot concrete pad will be provided at the base of the proposed tree-pole each carrier to install their unmanned ground-mounted equipment cabinets within a 25 foot by 40 foot fenced compound with a perimeter Type 4 buffer as required by the Zoning Ordinance.

The subject site is located within the 134 acre Camp Highroad property, a year-round group retreat and camping facility. The applicant has relocated the facility outside of the Mountainside Overlay District, down slope from the previous location. A forested area comprised of hardwood trees ranging between 70 and 80 feet in height is located surrounding the site to the north and west and an open grassed field is located to the east and south. The subject site will be accessed from a proposed 12 foot gravel road connecting to an existing 14 foot gravel road. The Mt. Gilead Agricultural District and the Goose Creek Historic District are located approximately 1 mile and 1.3 miles north of the subject property respectively. The Mountville Agricultural District is also located to the east of the subject property.

The property is zoned AR2 (Agricultural Rural) and is governed under the provisions of the Revised 1993 Zoning Ordinance. In accordance with the Revised 1993 Zoning Ordinance, a Commission Permit is required when a public utility or public service facility is constructed to determine if the general location, character, and extent of the proposed use is in substantial accord with the Comprehensive Plan. The Telecommunications Plan only permits new telecommunication facilities within the rural areas of the County by Special Exception to ensure that the proposed facility mitigates visual impacts. The upper portions of the proposed tree-pole will be visible from surrounding properties.

The applicant has responded to Community Planning's first referral dated October 15, 2009. While the applicant has addressed several of the issues since the first referral such as, relocating the proposed facility from a high point and the Mountainside Overlay District; providing updated radio frequency coverage maps at various heights; providing additional photo simulations; and commitments to the color of the tree pole and antennas, outstanding issues still remain. Staff has outlined outstanding issues below.

OUTSTANDING ISSUES

LAND USE

Design/Visual Impact

The use of "stealth" designs to conceal mobile telecommunication facilities is a viable alternative to standard monopole construction if properly executed to blend with the surrounding landscape. The Plan calls for design standards to mitigate the visual impacts of commercial public telecommunication facilities so as to "blend with the natural and built environment of the surrounding area" (*Telecommunication Plan, Design Standards, Countywide Visual Impacts Policy 1*). Monopole sites should be sited down slope toward the interior of a property within areas of existing mature vegetation so that the maximum amount of the structures and associated buildings are screened (*Telecommunication Plan, Design Standards, Rural and Historic Areas*

Policies 1a, 1b, and 1d). The Plan also directs that tower and monopole sites should be designed and constructed to the minimum height necessary to accommodate at least three (3) providers and provide sufficient land area for additional equipment buildings unless doing so would create an unnecessary visual impact on the surrounding area (*Telecommunication Plan, Design Standards, Tower and Monopole Design Policy 2*).

The proposed telecommunication facility on the subject site will consist of a 154-foot stealth tree-pole (evergreen) which can accommodate up to three telecommunication providers. The associated ground-mounted equipment will be located near the base of the proposed tree-pole. The concept of the stealth design of the proposed tree-pole is in keeping with Plan policies which seek to mitigate the visual impact of telecommunication facilities so as to blend with the natural and built environment of the surrounding area. The applicant has relocated the proposed tree-pole to a lower elevation on the subject property. While the relocation of the tree-pole from the highest point within the area down slope is consistent with Plan policies, there will still be visual impacts from rights-of-way and individual properties. The revised location of the proposed tree-pole is approximately 10 feet less than the previous location placing the top of the proposed tree-pole at approximately 710 feet. Existing vegetation surrounding the site consists of hardwood trees approximately 70 to 80 feet in height. The applicant has provided propagation studies at various height scenarios to justify the requested height of the proposed tree-pole. While the existing hardwood trees will screen the lower portions of the proposed 154-foot tree-pole, the top portion of the tree will be visible from various locations. As the overall height of the proposed tree-pole is uncharacteristically tall for trees (evergreen or deciduous) in the County a conventional monopole may be less conspicuous.

Staff recommends the applicant compare impacts associated with a conventional monopole to determine if a different approach would be more appropriate.

Staff requested addition photo simulations to assess visual impacts to Goose Creek, a State designated Scenic River and the Goose Creek Historic District. While the applicant has provided photo simulations from 14 different locations, photo simulations have not been included from Goose Creek approximately 0.5 mile south of the proposed tree-pole or from the Goose Creek Historic District approximately 1.3 miles north of the proposed tree-pole. In addition, staff notes that a photo simulation has been included within the Goose Creek Farms subdivision (Photo simulations 3 and 4), approximately 1.27 miles east of the site along Goose Creek Lane. While it is important to show any potential visual impacts from this residential neighborhood, it would be helpful to include photo simulations from the closest residential structures, those along Wild Goose Lane.

Staff recommends the applicant include photo simulations from Goose Creek south of the proposed site, the Goose Creek Historic District north of the

proposed site, and residential uses along Wild Goose Lane within the Goose Creek Farms subdivision east of the subject site to assess any visual impacts.

The Plan directs that specific attention be paid to the setting, color, lighting, topography, materials, and architecture. Antennas and other telecommunication devices should be neutral in color to blend with the background, unless specifically required by the FAA to be painted or lighted otherwise (*Telecommunication Plan, Design Standards, Countywide Visual Impacts Policy 2*). Accessory structures and equipment buildings should also blend with the surrounding environment through the use of appropriate color, texture of materials, scale, landscaping and visual screening (*Telecommunication Plan, Design Standards, Countywide Visual Impacts Policy 3*).

The notes on Sheet A-3 provide that the "pinetree pole shall be painted dark brown antennas shall be painted to match pine needles". The response to staff's comments provides that the applicant has no objection to this requirement being a condition of approval. To ensure that the proposed construction is consistent with the simulations and submitted drawings, staff recommends the applicant include commitments to the color of the antenna array/mountings as well.

Staff recommends the conditions of approval and general notes of the plat include a commitment to antenna array/mountings painted to match the pine needles.

As stated above, Plan policies call for monopole sites to be designed and constructed to the minimum height necessary to accommodate at least three (3) providers and provide sufficient land area for additional equipment buildings unless doing so would create an unnecessary visual impact on the surrounding area (*Telecommunication Plan, Design Standards, Tower and Monopole Design Policy 2*). The response to staff's comments provides the applicant has reached out to other carriers to inquire about interest and intent. However, carriers typically will only allocate resources for co-location after a tower is approved and/or built.

Staff recommends the applicant confirm that lower elevations will be usable by two additional telecommunication providers.

RECOMMENDATIONS

Staff finds the location of the proposed telecommunication facility and general design of the proposed tree-pole are in conformance with Plan policies and provide an innovative solution to providing telecommunication services. However, the location of the tree-pole creates a situation where it will be silhouetted above the existing trees when viewed from various vantage points. Staff recommends comparing visual impacts associated with a conventional monopole with the proposed tree-pole to determine which approach would have less impact. Staff further recommends the applicant include photo simulations from Goose Creek, Goose Creek Historic District, and residential properties

along Wild Goose Lane; commitments to painting the antenna array/mountings to match the pine needles; and confirmation that lower elevations will be acceptable for two additional telecommunication providers.

CC: Julie Pastor, AICP, Director, Planning
Cindy Keegan, AICP, Program Manager, Community Planning via e-mail

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County of Loudoun
Department of Planning
MEMORANDUM

DATE: October 15, 2009

TO: Sophia Fisher, Project Manager, Land Use Review

FROM: Marie Genovese, AICP
Planner III, Community Planning

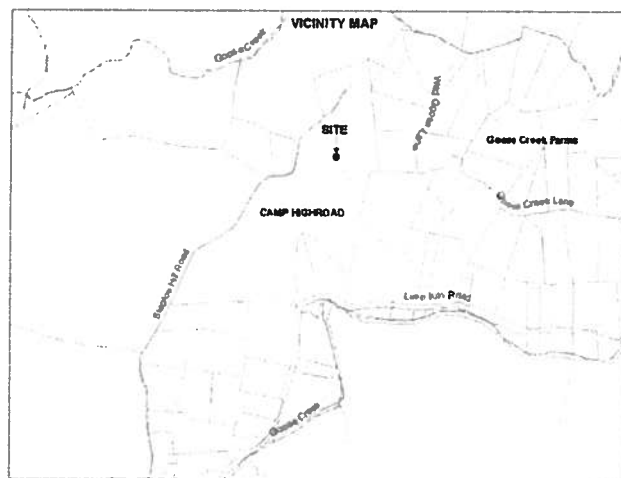
SUBJECT: SPEX 2009-0016 & CMPT 2009-0005, Steptoe Hill VA 3148

EXECUTIVE SUMMARY

The applicant is requesting a Special Exception and Commission Permit to construct a 154-foot tree-pole within the Rural Policy Area. The proposed facility's location on a high point is inconsistent with the location policies of the Strategic Land Use Plan for Telecommunication Facilities. Staff recommends the applicant relocate the facility to a lower point on the subject property, reducing the overall height to mitigate visual impacts.

BACKGROUND

The applicant, New Cingular Wireless PCS, LLC (AT&T), is requesting a Special Exception and Commission Permit to construct a telecommunication facility on the subject site located on the Northern Virginia United Methodist Camps and Conferences (Camp Highroad) property on the east side of Steptoe Hill Road (Route 763), west of the Goose Creek Farms subdivision, and north of Lime Kiln Road (Route 733) (see Vicinity Map). The facility is proposed as a 154-foot stealth tree-pole (evergreen) designed to accommodate up to three (3) telecommunications providers, including AT&T. An 11 foot by 11 foot concrete pad will be provided at the base of the proposed tree-pole for each carrier to install their unmanned ground-mounted



equipment cabinets within a 25 foot by 40 foot fenced compound with a perimeter Type 4 buffer as required by the Zoning Ordinance.

The subject site is located within the 134 acre Camp Highroad property, a year round group retreat and camping facility. The proposed facility is located on a high point within the Mountainside Overlay District surrounded by a forested area comprised of hardwood trees ranging between 70 and 80 feet in height. The subject site will be accessed from a proposed 12 foot gravel road connecting to an existing 14 foot gravel road. The Mt. Gilead Agricultural District and the Goose Creek Historic District are located approximately 1 mile and 1.3 miles north of the subject property respectively. The Mountville Agricultural District is also located to the east of the subject property.

The property is zoned AR2 (Agricultural Rural) and is governed under the provisions of the Revised 1993 Zoning Ordinance. In accordance with the Revised 1993 Zoning Ordinance, a Commission Permit is required when a public utility or public service facility is constructed to determine if the general location, character, and extent of the proposed use is in substantial accord with the Comprehensive Plan. The Telecommunications Plan only permits new telecommunication facilities within the rural areas of the County by Special Exception to ensure that the proposed facility mitigates visual impacts.

A review of County GIS records indicates mountainside areas as well as tree cover are located on the subject site. The upper portions of the proposed tree-pole will be visible from surrounding properties.

COMPREHENSIVE PLAN CONFORMANCE

The subject property is governed under the policies outlined in the Revised General Plan. The Revised General Plan places the property within the Rural Policy Area which is planned for rural business uses and limited residential development. The proposed use is specifically governed under the policies of the Strategic Land Use Plan for Telecommunication Facilities (Telecommunication Plan).

ANALYSIS

A. LAND USE

Location

The Telecommunication Plan policies establish a hierarchy of preferred locations for new commercial public telecommunication facilities in the Rural Policy Area and acknowledges the importance of maintaining the scenic and historic character of the area. The County's first preference for new telecommunication facilities are collocation on existing buildings, towers, monopoles, water tanks, overhead utility transmission line structures and other tall structures over 50 feet in height where possible (*Telecommunication Plan, Location Policies, Countywide Location Policy 1*). For new telecommunication facilities within the Rural Policy Area, an applicant must evaluate the feasibility of using existing facilities or other structures greater than 50 feet in height

within a two-mile radius of the subject site (*Telecommunication Plan, Location Policies, Countywide Location Policy 5*). Otherwise, telecommunication facilities will be permissible in rural areas only by special exception and subject to performance standards to mitigate visual impacts (*Telecommunication Plan, Location Policies, Rural Location Policy 2*). If existing tall structures are not available, the County prefers that new towers or monopoles be located in or near existing mature vegetation so that the maximum amount of the structure and associated buildings are screened (*Telecommunication Plan, Design Standards, Rural and Historic Areas Policy 1a*). The Plan also states that monopoles should be sited down slope toward the interior of a property to protect views (*Telecommunication Plan, Design Standards, Rural and Historic Areas Policies 1b and 1d*).

The Statement of Justification provides that the proposed site is necessary to provide seamless coverage along Shelburne Glebe Road (Route 729), and Snickersville Turnpike (Route 734) as well as Mount Gilead (Route 797) and Greggsville Road (Route 622). The applicant also states the proposed site will provide coverage for emergency 911 purposes as well as provide necessary handoff coverage between existing sites. It does not appear that existing tall structures are located within a two-mile radius of the site. Staff notes that while the proposed tree-pole is located interior to the site within existing mature vegetation, the location is at a high point on the subject site, approximately 565 feet. Staff further notes that existing vegetation surrounding the proposed tree-pole are deciduous trees approximately 70 to 80 feet in height.

Staff finds that no existing tall structures are currently located within the vicinity of the proposed site and that construction of a new telecommunication facility may be justified based on network coverage requirements. However, the location of the proposed telecommunication facility on a high point is not consistent with the policies of the Plan. Staff recommends the applicant explore locating the telecommunication facility elsewhere on the subject site down slope of the current location in order to mitigate visual impacts.

Design

Telecommunication providers have used "stealth" designs across the nation to conceal mobile telecommunications facilities in areas where a standard monopole would interrupt the historic or scenic quality of an area. These "stealth" designs include trees, flagpoles, church steeples and silos. The use of "stealth" designs is a viable alternative to standard monopole construction if properly executed to blend with the surrounding landscape. The Plan calls for design standards to mitigate the visual impacts of commercial public telecommunication facilities so as to "blend with the natural and built environment of the surrounding area" (*Telecommunication Plan, Design Standards, Countywide Visual Impacts Policy 1*). The Plan directs that specific attention be paid to the setting, color, lighting, topography, materials, and architecture. Antennas and other telecommunication devices should be neutral in color to blend with the background, unless specifically required by the FAA to be painted or lighted otherwise

(*Telecommunication Plan, Design Standards, Countywide Visual Impacts Policy 2*). Accessory structures and equipment buildings should also blend with the surrounding environment through the use of appropriate color, texture of materials, scale, landscaping and visual screening (*Telecommunication Plan, Design Standards, Countywide Visual Impacts Policy 3*). The Plan also directs that tower and monopole sites should be designed and constructed to the minimum height necessary to accommodate at least three (3) providers and provide sufficient land area for additional equipment buildings unless doing so would create an unnecessary visual impact on the surrounding area (*Telecommunication Plan, Design Standards, Tower and Monopole Design Policy 2*).

The proposed telecommunication facility on the subject site will consist of a 154-foot stealth tree-pole (evergreen) which can accommodate up to three telecommunication providers. The associated ground-mounted equipment will be located near the base of the proposed tree-pole. The applicant has included propagation maps for the proposed tree-pole; however, staff is unable to determine if the proposed tree-pole is the minimum height necessary to accommodate up to three providers. It appears there are areas where the coverage overlaps with existing coverage; therefore, staff recommends the applicant include propagation maps showing differing heights for the proposed telecommunication facility. Staff recommends that the conditions of approval and general plat notes specify the color, texture, and materials of the proposed tree-pole to ensure that the proposed construction is consistent with the simulations and submitted drawings.

Staff finds the overall stealth design of the proposed telecommunication facility to be in general conformance with Plan policies. Staff recommends the applicant include propagation studies detailing the proposed tree-pole is the minimum height necessary to accommodate up to three providers. Staff recommends the conditions of approval and general notes of the plat specify the color, texture, and materials of the proposed tree-pole to ensure that the proposed construction blends with the surrounding site features and landscape.

Visual Impact

The Plan recognizes the importance of maintaining the scenic and historic character of the Rural Policy Area. Plan policies state that monopole sites should be sited within areas of existing mature vegetation so that the maximum amount of the structure and associated buildings are screened (*Telecommunications Plan, Design Standards, Rural and Historic Areas Policy 1a*). The Plan also states that visual impacts should be mitigated by measures onsite rather than relying on offsite conditions for mitigation (*Telecommunication Plan, Design Standards, Rural and Historic Areas Policy 1d*). The Plan encourages camouflaging of monopole sites to mitigate visual impacts on the surrounding area (*Telecommunication Plan, Design Standards, Rural and Historic Areas Policy 1c*).

The concept of the stealth design of the proposed tree-pole is in keeping with Plan policies which seek to mitigate the visual impact of telecommunication facilities so as to blend with natural and built environment of the surrounding area. However, as stated above, the proposed tree-pole is situated on the highest point within the area placing the top of the proposed tree-pole at approximately 720 feet. Existing vegetation surrounding the site consists of hardwood trees approximately 70 to 80 feet in height. While the existing hardwood trees will screen the lower portions of the proposed 154-foot tree-pole, the top portion of the tree will be visible from various locations. Note 11 on the Cover Sheet provides that existing wooded areas will be maintained within a 200 foot radius of the site unless otherwise noted. It does not appear that the applicant has included designated tree conservation areas surrounding the proposed facility. It appears that there are other areas on the subject property with lower elevations that may be more appropriate for the proposed tree-pole.

The applicant has submitted photo simulations, depicting views of the proposed 154-foot tree-pole from three different locations, 125 feet south of the site; 1,000 feet southeast of the site; and approximately 2,600 feet southwest of the site. Staff notes that Goose Creek, a State designated Scenic River as well as the Goose Creek Historic District are located approximately 0.5 mile south and 1.3 miles north of the subject property respectively. Staff recommends including photo simulations from points along Goose Creek and the Goose Creek Historic District. As illustrated by the photo simulations the location of the proposed tree-pole on a high point creates a situation where the upper portions of the proposed 154-foot tree-pole will be silhouetted above the existing trees against the skyline when viewed from various vantage points. Additionally, the overall height of the proposed tree-pole, 154 feet above ground level, is uncharacteristically tall for trees (evergreen or deciduous) in the County. Staff in general supports the concept of the proposed tree-pole, however if the site is moved down slope and the height of the tree-pole is reduced it may blend better with the topography and existing trees. Staff requests that the applicant provide commitments from prospective telecommunication providers for the two additional array positions to justify the requested height of the proposed tree-pole.

Staff recommends the applicant relocate the proposed tree-pole to an area on the subject site within existing vegetation at a lower elevation to mitigate the visual impact on the surrounding area. Staff further recommends a reduction in the overall height of the proposed 154-foot tree-pole to the minimum extent possible to provide coverage for the area in order to better blend with the existing trees and to mitigate any unnecessary visual impact on the surrounding area. Staff recommends the applicant include photo simulations from Goose Creek and the Goose Creek Historic District to assess any visual impacts to these resources. Staff requests letters of intent from two other prospective telecommunication providers to justify the requested height of the proposed tree-pole.

Staff recommends a Tree Conservation Area (TCA) be established around the perimeter of the proposed facility to ensure existing hardwood trees are preserved and maintained during the life-time of the proposed telecommunication use of the subject site to act as a vegetative screen.

B. EXISTING CONDITIONS

The Plan defines the County's Green Infrastructure as a "collection of natural, cultural, heritage, environmental, protected, passive, and active resources that will be integrated in a related system" (Revised General Plan, Chapter 5, Green Infrastructure Policy 1). A review of County GIS records indicates that the subject site is located within the Mountainside Overlay Development Overlay District (MDOD) in an area classified as somewhat sensitive. The area is also forested with hardwood trees ranging in height from 70 to 80 feet.

1. Mountainside Areas

The County's mountains and mountainside areas contribute to its beauty, quality of life, and geologic uniqueness, and are valued by both residents and visitors (Revised General Plan, Chapter 5, Mountainside Areas Text). Mountainsides are highly sensitive to land disturbance and development, and uncontrolled land disturbance in these areas could contribute to the loss of prime viewsheds, the destruction of unique flora and fauna, and increased runoff to downstream rivers and streams (Revised General Plan, Chapter 5, Mountainside Areas Text). Plan policies call for using performance standards and regulation to minimize negative environmental impacts and land disturbance in mountainside areas, and encourage mountainside areas to be placed under permanent open space easement (Revised General Plan, Chapter 5, Mountainside Policies 3 and 4). The subject site is located within an area designated as somewhat sensitive mountainside. Special care should be taken when planning development in these areas in order to avoid and mitigate environmental impacts. Staff has recommended the applicant relocate the proposed tree-pole elsewhere on the subject property at a lower elevation outside of mountainside areas to be consistent with Plan policies. The relocation of the proposed tree-pole could also take into account mountainside areas, thereby eliminating or minimizing any impacts to this resource.

Staff recommends relocation of the proposed tree-pole to an area outside of mountainside areas. If the proposed tree-pole or access road impacts mountainside areas, special care should be taken when planning development in these areas to avoid and mitigate environmental impacts. Staff defers to the Department of Building and Development for further review of the proposed impacts.

2. Historic Resources

The Revised General Plan states the "the County will require an archeological and historic resources survey as part of all development applications (Revised General Plan, Chapter 5, Historic and Archaeological Policy). The applicant has been granted a

waiver of the Phase 1 requirement. However, the waiver does state that a Phase 1 study may be needed during the application review process. Per Section 106 requirements, the applicant should include additional evaluation from the Virginia Department of Historic Resources (DHR) regarding the visual impact of the proposed telecommunication facility on historic resources.

Staff requests the applicant provide documentation from the DHR regarding visual impacts of the proposed facility on historic resources for staff's review.

3. Existing Vegetation

The Plan states that the County's forests and trees improve air and water quality, offer important habitat for wildlife, are excellent buffers between communities, conserve energy, reduce wind speed and redirect airflow, reduce stormwater runoff and soil erosion, and can increase real property values (Revised General Plan, Chapter 5, Forests, Trees and Vegetation Text). A tree conservation or forest management plan will be required for all land development. The tree conservation or forest management plan will demonstrate a management strategy for designated tree save areas (Revised General Plan, Chapter 5, Forests, Trees and Vegetation Policy 3). The applicant has been granted a waiver of the tree inventory requirement. Staff notes the applicant is proposing a Type IV buffer surrounding the proposed compound, consistent with the Revised 1993 Zoning Ordinance. Dependent on the revised location of the proposed facility, existing vegetation surrounding the site may provide an improvement over the required Type IV buffer and a waiver of the landscape buffer may be requested. In addition, the County Forester has concerns regarding potential impacts to existing vegetation from the installation of the Type IV buffer.

Staff recommends the applicant explore using existing vegetation instead of the required Type IV buffer surrounding the proposed telecommunication compound. Staff further recommends the applicant designate a Tree Conservation Area surrounding the proposed facility to ensure existing vegetation is preserved and maintained during the life-time of the proposed telecommunication use. Staff defers to the Environmental Review Team regarding preservation techniques for the designated Tree Conservation Area.

RECOMMENDATIONS

Staff finds the location of the proposed telecommunication facility along the ridge is inconsistent with Plan policies and recommends the applicant relocate the proposed use to a lower elevation on the subject property, within existing vegetation outside of mountainside areas. Staff further recommends the applicant reduce the overall height of the proposed tree-pole to mitigate visual impacts. The applicant should include updated propagation studies, photo simulations from Goose Creek and the Goose Creek Historic District, additional information pertaining to the color, texture, and materials of the proposed tree-pole, commitments from future telecommunication

providers to justify the height of the proposed structure, and commitments to the establishment of a tree conservation area (TCA).

Staff would be happy to meet with the applicant to discuss any comments or questions.

CC: Julie Pastor, AICP, Director, Planning
Cindy Keegan, AICP, Program Manager, Community Planning via e-mail

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
ZONING ADMINISTRATION REFERRAL

DATE: October 26, 2010

TO: Sophia Fisher, Project Manager

THROUGH: Marilee Seigfried, Deputy Zoning Administrator

FROM: Nita Bearer, Zoning Planner

CASE NUMBER AND NAME: SPEX-2009-0016 & CMPT-2009-0005
Steptoe Hill VA

LCTM/MCPI: /74/////////3/
427-36-5337

PLAN SUBMISSION NUMBER: 2nd Referral

I. APPLICATION SUMMARY

Zoning staff has reviewed the second submission of the above-referenced special exception and commission permit application for conformance with the Revised 1993 Loudoun County Zoning Ordinance. The site of the monopole and compound was relocated on the second submission. The parcel is zoned Agricultural Rural-2 (AR-2) and is located within the somewhat sensitive area of the Mountainside Development Overlay District.

II. STATEMENT OF JUSTIFICATION

1. Paragraph 2 on page 2 states that there will be a 25' x 40' compound. According to Sheet A-3 of the plan, there is a 25' x 40' compound and a proposed 25' x 20' compound area. The special exception should address both areas as one area of 25' x 60'.

III. CONFORMANCE WITH SECTION 6-1310, ISSUES FOR CONSIDERATION

2. 6-1310(B) *Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.*

The site will be located within a heavily wooded area at the end of Step Toe Hill Road, a 14' wide existing gravel road. Provide an explanation as to how safety from fire hazards will be accomplished.

3. Section 6-1310(F) *Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.*

Site Note #11 on the title sheet states that the existing wooded areas and trees are to be maintained within a 200 foot radius of the proposed compound. Zoning staff recommends that this area be included within the special exception area or designated as a tree save area.

IV. OTHER ZONING COMMENTS

4. The "Scope of Work" on Sheet T-1 limits the number of antennas that will be permitted on the monopole. The antennas and associated equipment are permitted by right on monopoles by approval of a site plan. Unless the applicant intends to limit the number of antennas to be located on the pole, Zoning staff recommends removing the statement regarding antennas.
5. The subject application is for special exception approval, it is not for site plan approval. The "Scope of Work" statement should be revised to provide the purpose of the special exception application. Zoning staff recommends a statement as follows: "The purpose is to construct a 150' monopole with a 4' lightening rod within a 25' x 60' compound for co-location of a minimum of three providers. The compound shall be surrounded by a type 4 landscape buffer. The buffer plantings shall be supplemented by existing vegetation and trees if the supplemental plantings meet the standards of Section 5-1403."
6. There is a discrepancy in the size of the compound on Sheets A-0, A-0A, A0B, A-1 and A-2 and the size of the compound on Sheet A-3. Recalculate the size of the compound and verify that the compound is included within the special exception area calculation. The illustration and labeling of the compound must be consistent on all sheets.
7. The buffer area provided on sheets A-0, A-0A, A0B, A-1 and A-2 is 75' x 90'. If the total compound area is 25' x 60' as illustrated on Sheet A-3, the buffer area must be expanded. According to zoning staff calculations, the area of the buffer yards and compound should be 75' x 110'. Verify the size of the buffer area and illustrate and label it consistently on all sheets.
8. Throughout the plan, the size of the special exception area is indicated as 6,750 sf. The special exception area must include the monopole, compound, buffer yards, parking area, and the access to the site. Verify the size of the special exception area.
9. Site Note #11 on Sheet A-1 indicates that all existing wooded areas and trees are to be maintained within a 200' radius of the compound. As noted above, zoning staff recommends that this area be included within the special exception area or designated as a tree save area.
10. Sheet A-1 is a proposed site plan. The subject application is for a special exception. Remove Sheet A-1 as this should be submitted at the time of site plan application.
11. Relocate the "Bulk Requirements for AR-2" and "Parking Tabulations" from Sheet A-1 to Sheet A-2, Special Exception Plat.
12. Verify the scale on Sheet A-2. The illustration is consistent with a scale of 1"=50'.
13. Add a note to the Sheet A-2 indicating that the site will be developed in compliance with Section 5-618(B).

14. On Sheet A-2, add a note indicating that a type 4 landscape buffer will be provided. Indicate in the note that the buffer plantings may be supplemented by existing vegetation and trees if the supplemental plantings meet the standards of Section 5-1403.
15. Remove the Buffer Yard Type 4 table, the type 4 buffer yard landscape schedule, the Landscape legend, the illustration of the plantings and the plant labels from Sheet A-2 as the landscape buffer will be addressed at site plan submission. If the buffer yard tables are removed, remove Site Note #16 on Sheet T-1.
16. On Sheet A-3, illustrate the fence around the total compound area of 25' x 60' in the Compound Plan. Remove the dimension of 25' x 40' from the label of the fence in the compound plan and the elevation illustration.
17. Throughout the plan, label the monopole consistent with Sheet A-3 – "150' pinetree pole with a 4' lightening rod, total height 154 ft."
18. In the Elevation Plan on Sheet A-3, unless the applicant intends to limit the location and number of providers and antennas, Zoning staff recommends including the wording "Illustrative only" in the labels "Proposed AT&T antennas mounted T-arms – 3 per sector (2 proposed, 1 future)" and "Future carrier antennas @ 130 AGL and 140' AGL."

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COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
ZONING ADMINISTRATION REFERRAL

DATE: October 8, 2009

TO: Sophia Fisher, Project Manager

THROUGH: Marilee Seigfried, Deputy Zoning Administrator

FROM: Nita Bearer, Zoning Planner

CASE NUMBER AND NAME: SPEX-2009-0016 & CMPT-2009-0005
Steptoe Hill VA

LCTM/MCPI: /74/////////3/
427-36-5337

PLAN SUBMISSION NUMBER: 1st Referral

I. APPLICATION SUMMARY

Zoning staff has reviewed the above-referenced special exception and commission permit application for conformance with the Revised 1993 Loudoun County Zoning Ordinance. The parcel is zoned Agricultural Rural-2 (AR-2) and is located within the somewhat sensitive area of the Mountainside Development Overlay District.

II. CONFORMANCE WITH SECTION 5-618(B)(3) and (4)

1. Section 5-618(B)(3)(a) – The proposed monopole shall be compatible with the development in the vicinity with regards to setting, color and topography. According to the County Forester, the trees surrounding the proposed site are hardwood. The proposed monopole will be a stealth pine monopole which will not blend in with the hardwood trees. The monopole will be at a height of 154' which is significantly higher than the existing trees. Zoning staff defers to the County Forester for a recommendation of how the monopole may be designed to blend in with the existing tree cover.
2. Section 5-618(B)(3)(f) - The maximum permitted structure height is 12'. Correct the height in the "Table of Requirements of Section 5-618."
3. Section 5-618(B)(3)(q) – Telecommunication monopoles shall not be located along ridge lines, but downslope from the top of the ridge line. The ridge line is at an elevation of approximately 570'. The monopole will be located at an elevation of approximately 567',

only 3' from the top of the ridge line. From an elevation of 567', the top of the 154' high monopole will be at a height of 721' AMSL.

4. 5-618(B)(4)(c) – The applicant indicated that notification will be provided as required by Section 6-600 and provide additional outreach as necessary. Section 5-618(B)(4)(c) requires notification to those property owners abutting or immediately and diagonally across the street or road from those properties entitled to notification under 6-600. This is in addition to the notification required by Section 6-600.

III. CONFORMANCE WITH SECTION 6-1310, ISSUES FOR CONSIDERATION

1. 6-1310(A) *Whether the proposed special exception is consistent with the Comprehensive Plan*

The explanation from the applicant indicates that the use is permitted. The use is permitted by approval of a special exception.

2. 6-1310(B) *Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.*

Site Note #13 on the title sheet states that any building constructed in connection with the use shall include such fire extinguishing system as may be required by the fire marshal at the time of occupancy permit. An occupancy permit is not required for a telecommunications monopole and related equipment. The site will be located within a heavily wooded area at the end of Step Toe Hill Road, a 14' wide existing gravel road. Zoning staff recommends that the applicant provide an explanation as to how safety from fire hazards will be accomplished.

3. Section 6-1310(F) *Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.*

Site Note #11 on the title sheet states that the existing wooded areas and trees are to be maintained within a 200 foot radius of the proposed compound. Zoning staff recommends that this area be included within the special exception area or designated as a tree save area.

IV. OTHER ZONING COMMENTS

1. Number the sheets consecutively.
2. Clarify the size of the compound area and the special exception area and illustrate the areas to scale.
3. Section 2-203(A)(3)(d) – In order to verify compliance, calculate the lot coverage of all buildings and structures on the parcel.

4. Section 5-1400 - According to Section 5-1400, a type 4 landscape buffer is required on the east side of the compound and only a type 3 landscape buffer is required on the front, rear and west side of the compound. A type 4 and a type 3 landscape buffer requires a 25' minimum/30' maximum wide side and rear buffer yard. Please note that a waiver or modification of Section 5-1400 may be requested at the time of special exception application.
5. Correct the elevation for the top of the monopole to 721' instead of 717". The top of the antennas on the monopole is at an elevation of 721' AMSL.

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County of Loudoun
Office of Transportation Services
MEMORANDUM

DATE: October 30, 2009

TO: Sophia Fisher, Project Manager
Department of Planning

FROM: Marc Lewis-DeGrace, Transportation Planner *MLDG*

SUBJECT: SPEX 2009-0016 & CMPT 2009-0005 — Steptoe Hill VA 3148
First Referral

Background

These Special Exception (SPEX) and Commission Permit (CMPT) applications seek approval to build a 154-foot telecommunications tree poll with up to nine panel antennas in the Agricultural Rural-2 (AR-2) zoning district. The subject site is a day and boarding camp for at least 30 campers. The existing parcel is approximately 132 acres in mostly wooded and undeveloped land. There is a camp lodge on the site that is almost 7,000 square feet. The site will have road access via a proposed 12' wide gravel access road that will connect an existing gravel access road. This existing gravel road connects to Steptoe Hill Road (Route 763). A vicinity map is provided as *Attachment 1*.

In its consideration of these applications, the Office of Transportation Services (OTS) reviewed materials received from the Department of Planning on September 8, 2009, including (1) a statement of justification prepared by ACO Property Advisors, Inc. (undated); (2) a traffic impact letter prepared by BC Architect Engineers (dated February 11, 2009); and (3) a special exception plat (plan set) prepared by BC Architect Engineers (dated July 13, 2009).

Existing, Planned and Programmed Transportation Facilities

The site is located within the Rural Policy Area. Major roadways serving the site are described below. OTS review of existing and planned transportation facilities is based on the 2001 Revised Countywide Transportation Plan (2001 Revised CTP) and the 2003 Bicycle & Pedestrian Mobility Master Plan (2003 Bike & Ped Plan).

Steptoe Hill Road (Route 763) is a local secondary road and is currently built as a two-lane unpaved (R2) section. The 2003 Bike & Ped Plan makes no mention of Steptoe Hill Road.

Lime Kiln Road (Route 733) is designated as a minor collector road and is currently built as a two-lane paved (R2) secondary road that is 22 feet wide with shoulders.

The 2003 Bike & Ped Plan categorizes Lime Kiln Road as a "baseline connecting roadway" along which bicycle and pedestrian facilities are envisioned.

Trip Generation by Proposed Uses

Telecommunications facilities such as the existing monopole typically generate a total of one (1) vehicle trip per carrier per month for maintenance purposes. Based on the submitted materials, a total of three (3) carriers would have a presence at this facility for a total of three (3) vehicle trips per month.

Conclusion

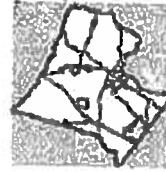
OTS has no objection to the approval of these applications.

ATTACHMENT

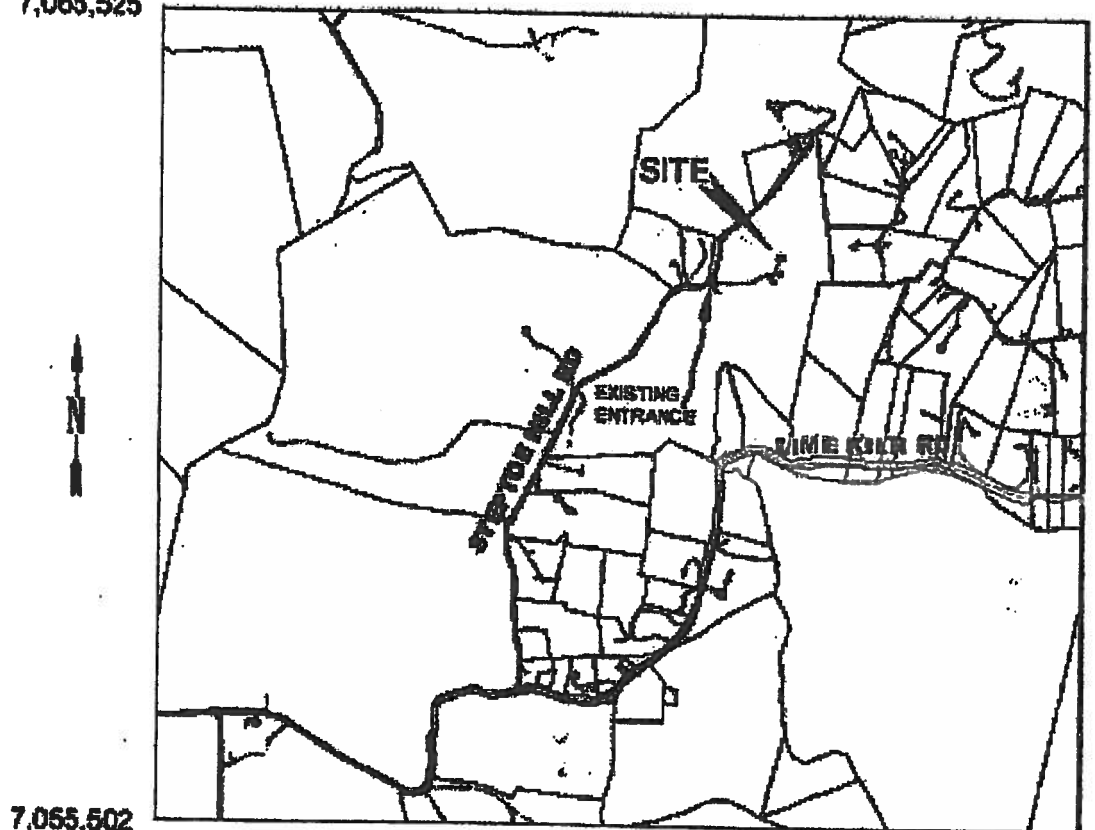
1. Site Vicinity Map

cc: Andrew Beacher, Assistant Director, OTS
Lou Mosurak, Senior Coordinator, OTS

Loudoun County Mapping System



7,065,525



7,065,502

11,708,787

Map Width=11,459 feet
Created on 2/11/2009 8:44:39 PM

11,720,246

Vicinity Map

Data source: Loudoun County GIS

ATTACHMENT 1

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COMMONWEALTH of VIRGINIA

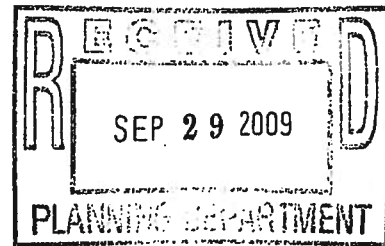
DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

September 22, 2009

Ms. Sophia Fisher
County of Loudoun
Department of Planning
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, Virginia 20177-7000



Re: Steptoe Hill VA 3148
(1st Submission)
Loudoun County Application Numbers SPEX 2009-0016 and CMPT 2009-0005

Dear Ms. Fisher:

We have reviewed the above noted application as requested in your September 8, 2009 transmittal. We have no objection to the approval of this application.

If you have any questions, please call me at (703) 383-2061.

Sincerely,

A handwritten signature in black ink, appearing to read "JB".

John Bassett, P.E.
Transportation Engineer

cc: Imad Salous, P. E.

ATTACHMENT 1d

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Environmental Health
Phone: 703 / 777-0234
Fax: 703 / 771-5023

Loudoun County Health Department

P.O. Box 7000
Leesburg VA 20177-7000



Community & Occupational Health
Phone: 703 / 777-0236
Fax: 703 / 771-5393

September 9, 2009

MEMORANDUM TO: Sophia Fisher Project Manager MSC # 62
Planning Department, Building & Development

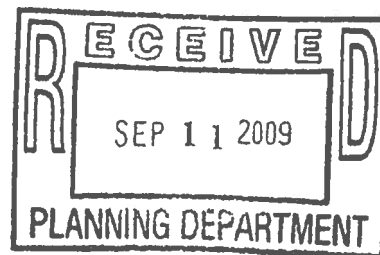
FROM: John P. Dayton MSC #68
Sr. Env. Health Specialist
Division Of Environmental Health

SUBJECT: SPEX 2009-0016 & CMPT-2009-0005,
Steptoe Hill-Att
LCTM: 74/3, PIN 427 36 5337

This Department reviewed the package provided to this office and the plat prepared by BC Architects Engineers revised 7/13/09, and has no comments to the proposal.

If further information or clarification on the above project is required, please contact John Dayton at 737-8848.

JPD/JEL/jpd



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LOUDOUN COUNTY, VIRGINIA
Department of Fire, Rescue and Emergency Management

803 Sycolin Road, Suite 104 Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359



Memorandum

To: Sophia Fisher, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: October 8, 2009
Subject: Steptoe Hill
SPEX 2009-0016 & CMPT 2009-0005

Thank you for the opportunity to review the above captioned applications.

The Fire-Rescue GIS and Mapping coordinator offered the following information regarding estimated response times:

PIN	Project name	Travel Time
427-26-5337	Steptoe Hill	14 minutes (Co. 7, Rescue) 9 min, 19 sec (Co. 8, Fire)

The Travel Times for each project were calculated using ArcGIS and Network Analyst extension to calculate the travel time in minutes. To get the total response time another two minutes were added to account for dispatching and turnout. This assumes that the station is staffed at the time of the call. If the station is unoccupied another one to three minutes should be added.

Project name	LCFR Moorefield Station 23 Response Times
Steptoe Hill	16 minutes (Co. 7, Rescue) 11 min, 19 sec (Co. 8, Fire)

The Fire and Rescue Planning Staff, in agreement with the Fire Marshal's Office, has no objection to the applications as presented. Staff respectfully requests that the Applicant would consider a contribution to the first due fire and rescue volunteer companies.

If you have any questions or need additional information, please contact me at 703-777-0333.

c: Project file

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I, Brian P. Hackett, do hereby state that I am an

☐ Applicant

☒ Applicant's Authorized Agent listed in Section C.1. below

in Application Number(s): _____

and that to the best of my knowledge and belief, the following information is true:

C. DISCLOSURES: REAL PARTIES IN INTEREST AND LAND USE PROCEEDINGS

1. REAL PARTIES IN INTEREST

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application* and if any of the foregoing is a **TRUSTEE**** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS, and all AGENTS of any of the foregoing.**

All relationships to the persons or entities listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together (ex. Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc.) For a multiple parcel application, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

<i>PIN</i>	<i>NAME (First, M.I., Last)</i>	<i>ADDRESS (Street, City, State, Zip Code)</i>	<i>RELATIONSHIP (Listed in bold above)</i>
427-36-5337-000	Northern Virginia United Methodist Camps and Conferences Corporation	5001 Echols Ave. Alexandria, VA 22311	Owner
	New Cingular Wireless PCS, LLC (AT&T)	7150 Standard Drive Hanover MD 21076	Applicant/Lessee
	ACO Property Advisors, Inc.	184 Edie Road, Saratoga Springs NY 12866	Agent for Applicant/Lessee
	BC Architects and Engineers	5659 Columbia Pike, Suite 101, Falls Church, VA 22041	Agent/Engineer for Applicant/Lessee
	Saul Ewing LLP	1500 Market Street, 38 th Floor Philadelphia PA 19102	Law Firm for Applicant/Lessee
	Jason M. St. John, Esquire, of Saul Ewing LLP	500 E Pratt St, Suite 800, Baltimore, MD 21202	Attorney for Applicant/Lessee
	Gregory E. Rapisarda, Esquire, of Saul Ewing LLP	500 E Pratt St, Suite 800, Baltimore, MD 21202	Attorney for Applicant/Lessee

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

☐ There are additional Real Parties in Interest. See Attachment to Paragraph C-1.

Revised October 21, 2008

ATTACHMENT 2

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Northern Virginia United Methodist Camps and Conferences Corporation
5001 Echols Ave.
Alexandria, VA 22311

Description of Corporation:

☐ There are 100 or fewer shareholders and all shareholders are listed below.

☐ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

☐ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

☐ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
N/A Non-profit Corporation No Shareholders	

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Rev. Young Jin Cho	President 2009
Rev. Alan G. Reifsnnyder	Vice President
Rev. Rob Vaughn	Vice President
Sue Stewart	Vice president
Tom Thompson	Vice president
Richard Dawson	Executive Director

Check if applicable:

☒ There is additional Corporation Information. See Attachment to Paragraph C-2.

See attached additional C.2 designations

**LOUDOUN COUNTY
DISCLOSURES OF REAL PARTIES IN INTEREST
AND LAND USE PROCEEDINGS**

C.2 and C.3 Attachments

C.2 Attachments in re. CORPORATE INFORMATION

**Includes: (1) New Cingular Wireless PCS, LLC, (2) ACO Property
Advisors Inc., and (3) BC Architects and Engineers**

- 1. New Cingular Wireless PCS, LLC
7150 Standard Drive
Hanover, Maryland 21076**

Names and titles of the Officers and Directors:

<i>NAME (First, M.I., Last)</i>	<i>Title (e.g. General Partner, Limited Partner, etc)</i>
Randall L. Stephenson	President and CEO
Gilbert F. Amelio	Lead Director
William F. Aldinger III	Board of Directors Member
Reuben V. Anderson	Board of Directors Member
James H. Blanchard	Board of Directors Member
August A. Busch III	Board of Directors Member
Jaime Chico Pardo	Board of Directors Member
James P. Kelly	Board of Directors Member
Jon C. Madonna	Board of Directors Member
Lynn M. Martin	Board of Directors Member
John B. McCoy	Board of Directors Member
Mary S. Metz	Board of Directors Member
Joyce M. Roche	Board of Directors Member
Laura D'Andrea Tyson	Board of Directors Member
Patricia P. Upton	Board of Directors Member

DESCRIPTION OF CORPORATION:

Applicant, New Cingular Wireless PCS, LLC, is licensed by the FCC to make this application. AT&T, Inc., through a series of affiliates and subsidiaries (collectively, the "AT&T Affiliated Group") controls New Cingular Wireless PCS, LLC. There are no outside third-party owners or controlling parties within the AT&T Affiliated Group.

NAME & ADDRESS OF CORPORATION:

AT&T, Inc.
208 South Akard Street
Dallas, TX 75202-4206

DESCRIPTION OF CORPORATION:

AT&T, Inc. is a publicly traded corporation with more than 100 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**LOUDOUN COUNTY
DISCLOSURES OF REAL PARTIES IN INTEREST
AND LAND USE PROCEEDINGS**

C.2 and C.3 Attachments

2. **ACO Property Advisors, Inc.**
 184 Edle Rd.
 Saratoga Springs, NY 12866

Names and titles of the Partners:

<i>NAME</i> <i>(First, M.I., Last)</i>	<i>Title</i> <i>(e.g. General Partner, Limited Partner, etc)</i>
Alan C. Oppenheim	President
Curt M. Kolakowski	Vice President
Steven R. Kinley	Vice President

3. **BC Architects and Engineers**
 5659 Columbia Pike Suite 101
 Falls Church, VA 22041

Names and titles of the Partners:

<i>NAME</i> <i>(First, M.I., Last)</i>	<i>Title</i> <i>(e.g. General Partner, Limited Partner, etc)</i>
Brian M. Quinn, AIA	President
Chris Morin	Vice President

**LOUDOUN COUNTY
DISCLOSURES OF REAL PARTIES IN INTEREST
AND LAND USE PROCEEDINGS**

C.2 and C.3 Attachments

C.3 Attachments in re. PARTNERSHIP INFORMATION

Saul Ewing LLP
1500 Market Street, 38th Floor
Philadelphia PA 19102

Names and titles of the Partners:

<i>NAME (First, M.I., Last)</i>	<i>Title (e.g. General Partner, Limited Partner, etc)</i>
Candice Toll Aaron	Partner
Anessa Abrams	Partner
Henry R. Abrams	Partner
Raymond D Agran	Partner
Stephen S. Aichele	Partner
David S. Antzis	Partner
Bruce D. Armon	Partner
George Asimos	Partner
Edward J. Baines	Partner
Paul W. Baskowsky	Partner
Gregory S. Bernabeo	Partner
M. Paige Berry	Partner
Gabriel L.I. Bevilacqua	Partner
George W Bodenger	Partner
Dan S. Brandenburg	Partner
Dennis J. Brennan	Partner
Eric L. Brossman	Partner
Joel R. Burcat	Partner
Michael S. Burg	Partner
Timothy W. Callahan	Partner
Robert W. Cannon	Partner
Timothy J. Carson	Partner
Daniel R. Chemers	Partner
Marc A. Citron	Partner
Michael F. Consedine	Partner
Harriet E. Cooperman	Partner
Joan Marie Corcoran	Partner
J. Joseph Curran	Partner
Gregory J. Davis	Partner
Cathleen M. Devlin	Partner
Tanya Dobash Berlage	Partner
Martin J. Doyle	Partner
Stephen J. Driscoll	Partner
Robert Lewis Duston	Partner
Kurt L. Ehresman	Partner

**LOUDOUN COUNTY
DISCLOSURES OF REAL PARTIES IN INTEREST
AND LAND USE PROCEEDINGS**

C.2 and C.3 Attachments

Gary B. Eidelman	Partner
Carl B. Everett	Partner
Michael A. Finio	Partner
Russell J. Fishkind	Partner
Sherry H. Flax	Partner
Anthony P. Forte	Partner
Constance B. Foster	Partner
Spencer W. Franck	Partner
Richard T. Frazier	Partner
L. Oliver Frey	Partner
Timothy A. Frey	Partner
John J. Gallagher	Partner
William S. Gee	Partner
Jeffrey H. Gelman	Partner
Stephen B Genzer	Partner
John J. Ghingher	Partner
Robert C. Gill	Partner
Steven D. Goldberg	Partner
James E. Goodrich	Partner
Pamela S. Goodwin	Partner
Robert M. Greenbaum	Partner
Patricia A. Gritzan	Partner
Mark I Gruhin	Partner
Lois S. Hagarty	Partner
Christopher Robinson Hall	Partner
Jeffrey C. Hampton	Partner
Richard W. Hayden	Partner
Paul M Heylman	Partner
Linda G Hill	Partner
Wendell F. Holland	Partner
Joel C. Hopkins	Partner
Paul M. Hummer	Partner
Adam H. Isenberg	Partner
Katayun I. Jaffari	Partner
Thomas J. Jennings	Partner
John J Jerome	Partner
Orlan M. Johnson	Partner
Robert J. Jones	Partner
Konstantina M. Katcheves	Partner
Laura L. Katz	Partner
James A. Keller	Partner
James F. Kilcur	Partner
Richard J. King	Partner
Amy S. Kline	Partner
Daniel H. Krapf	Partner
Sandra W. Kugler	Partner

**LOUDOUN COUNTY
DISCLOSURES OF REAL PARTIES IN INTEREST
AND LAND USE PROCEEDINGS**

C.2 and C.3 Attachments

Joyce A. Kuhns	Partner
Stanley J. Kull	Partner
Maurice D. Lee	Partner
Barry F. Levin	Partner
Edward R. Levin	Partner
Mark C. Levy	Partner
Gary L. Lieber	Partner
Andrea A. Lipuma	Partner
Charles M. Lizza	Partner
Robert H. Louis	Partner
Randall M. Lutz	Partner
George T. Magnatta	Partner
Howard R. Majeve	Partner
John F. Meigs	Partner
H. Nathaniel Metz	Partner
Howard B. Miller	Partner
Mark Minuti	Partner
David R. Moffitt	Partner
Joseph C. Monahan	Partner
Charles O. Monk	Partner
Christopher J. Murphy	Partner
Theodore Naccarella	Partner
George Francis Nagle	Partner
Robert C. Nagle	Partner
Eileen D. O'Brien	Partner
Joseph F. O'Dea	Partner
Patrick G. Oakes	Partner
Eric G. Orlinsky	Partner
Karen Lynn Palestini	Partner
Scott D. Patterson	Partner
Marshall B. Paul	Partner
Jennifer K. Peterson	Partner
Steven Joseph Picco	Partner
John P. Pierce	Partner
Christopher J. Pippett	Partner
Henry A. Platt	Partner
George E. Rahn	Partner
John B. Reiss	Partner
Francis X. Riley	Partner
James G. Rosenberg	Partner
Jeremy W. Ryan	Partner
Sheldon S. Satsky	Partner
Thomas S. Schaufelberger	Partner
William E. Scholtes	Partner
Pamela J. Scott	Partner
Harry D. Shapiro	Partner

**LOUDOUN COUNTY
DISCLOSURES OF REAL PARTIES IN INTEREST
AND LAND USE PROCEEDINGS**

C.2 and C.3 Attachments

Ira M Shepard	Partner
Mark D. Simpson	Partner
Howard G. Slavitt	Partner
John C. Snyder	Partner
Deborah L. Spranger	Partner
Jason M. St John	Partner
Wendie C. Stabler	Partner
John F. Stoviak	Partner
Frederick D. Strober	Partner
Catherine E. Walters	Partner
William W. Warren	Partner
Elizabeth U. Witmer	Partner
F. Michael Wysocki	Partner
Craig F. Zappetti	Partner

4. ADDITIONAL INFORMATION

- a. One of the following options must be checked:**

☐ In addition to the names listed in paragraphs C. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

☒ Other than the names listed in C. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

☐ Additional information attached. See Attachment to Paragraph C-4(a).

- b. That no member of the Loudoun County Board of Supervisors, Planning Commission, Board of Zoning Appeals or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land, or as beneficiary of a trust owning such land.**

EXCEPT AS FOLLOWS: (If none, so state). None

Check if applicable:

☐ Additional information attached. See Attachment to Paragraph C-4(b).

- c. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household, either individually, or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation (as defined in the Instructions at Paragraph B.3) in which any of them is an officer, director, employee, agent or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has or has had any business or financial relationship (other than any ordinary customer or depositor relationship with a retail establishment, public utility, or bank), including receipt of any gift or donation having a value of \$100 or more, singularly or in the aggregate, with or from any of those persons or entities listed above.**

EXCEPT AS FOLLOWS: (If none, so state). None

Check if applicable:

☐ Additional information attached. See Attachment to Paragraph C-4(c).

D. COMPLETENESS

That the information contained in this affidavit is complete, that all partnerships, corporations (as defined in Instructions, Paragraph B.3), and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including any gifts or business or financial relationships of the type described in Section C above, that arise or occur on or after the date of this Application.

WITNESS the following signature:

B-Hackett

check one: ☐ Applicant or ☒ Applicant's Authorized Agent

BRIAN P. HACKETT - SITE ACQUISITION AND ZONING SPECIALIST
(Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this 17th day of JULY, 2009, in the
State Commonwealth of New York, in the County/City of Saratoga

Mary Beth Niedbalski

Notary Public

My Commission Expires: 5/14/2010

MARY BETH NIEDBALSKI
Notary Public, State of New York
Qualified in Saratoga County
Reg. No. 4966766
Commission Expires May 14, 2010



ACO PROPERTY ADVISORS, INC.

NEW YORK OFFICE

184 EDIE ROAD
SARATOGA SPRINGS, NY 12866
FAX (518) 584-9967

MARYLAND OFFICE

7050 OAKLAND MILLS RD., STE 130
COLUMBIA, MD 21046
FAX (443) 864-5773

**New Cingular Wireless PCS, LLC
Statement of Justification for
Special Exception Approval at
21164 Steptoe Hill Rd. Middleburg, VA 20117**

This Statement of Justification is submitted in support of an Application by New Cingular Wireless PCS, LLC ("AT&T") for a Special Exception pursuant to Section 5-618 of the Loudoun County Zoning Ordinance ("the Ordinance"). This Application seeks the approval of a stealth tree-pole telecommunications tower and related unmanned equipment (the "Facility"), located at 21164 Steptoe Hill Road, Middleburg, Virginia, 20117 (the "Property"). The Property is in the AR 2 Zoning District, which permits the Facility subject to the approval of a special exception. The Property is owned by Northern Virginia United Methodist Camps and Conferences Corporation, whose mailing address is 5001 Echols Avenue Alexandria, Virginia 22311. AT&T holds an executed land lease for the ground space necessary for the Facility. The Property is identified as: Tax Map /74/////////3/ (PIN: 427-36-5337-000).

Applicant:	New Cingular Wireless PCS, LLC (AT&T)
Site Name:	VA3148 Philomont
Property Address:	21164 Steptoe Hill Rd. Middleburg, VA 20117
Tax ID #:	427-36-5337-000
Book/Page:	2271/ 867
Zoning Designation:	AR 2
District:	Blue Ridge

The proposed Facility will function as a base transmission station for AT&T's wireless telecommunications network. AT&T's digital network operates with a transmitting frequency between 851-866 megahertz and a receiving frequency between 806-821 megahertz.



ACO PROPERTY ADVISORS, INC.

NEW YORK OFFICE

184 EDIE ROAD
SARATOGA SPRINGS, NY 12866
FAX (518) 584-9967

MARYLAND OFFICE

7050 OAKLAND MILLS RD., STE 130
COLUMBIA, MD 21046
FAX (443) 864-5773

This Facility will be unmanned and will be operational 24 hours per day, 7 days per week. Maintenance on the requested facility typically consists of a visit to the site once every four to six weeks by one or two people in a sport utility vehicle. During the construction period, this site will have five to seven contractors working during normal business hours until completion.

The requested facility will include a co-location of up to nine (9) panel antennas on the proposed 154' telecommunications stealth tree-pole ("Tower") with a top RAD center of 150'. There will be room available for future carriers, a minimum of at least two more (per the county code to have room for three) to co-locate their antennas, avoiding the need for another structure in the area. At the base of the Tower there will be an 11' x 11' concrete pad for the equipment cabinets, all of which will be located inside of a 25' x 40' fenced compound that will be surrounded by Type 4 Landscape Buffer.

The proposed use is passive and will not generate noise, dust, light, glare, vibrations, traffic or odors. It will pose no threat to public health, safety or welfare and will not affect area telephone, radio or television reception. It will have no impact on the air and water quality nor will it affect any existing environmental features currently existing on the site.

The Facility will be located at the northern end of Steptoe Hill Road, off of Snickersville Turnpike. The proposed Facility will provide seamless coverage to commuters along SR-729 and Snickersville Turnpike as well as Mt. Gilead Rd. and Greggsville Rd. in Middleburg. The proposed location will not only provide coverage to the Middleburg area residents, but filling this coverage gap will also provide coverage for emergency 911 purposes. The proposed Facility will also provide the necessary handoff coverage between existing sites Gilberts Corner, at 24011 James Monroe Highway in Valdie and Cresco located at 20797 The Woods Rd. in Leesburg.

The coverage that will be added by the Facility is necessary to maintain AT&T's duty under its federal licenses, and the Facility will allow AT&T to meet its minimum coverage objectives.

The proposed location, as depicted in the map below, is the most suitable location for the requested facility due to the size of the property as well as the extended coverage as portrayed in the attached coverage maps.

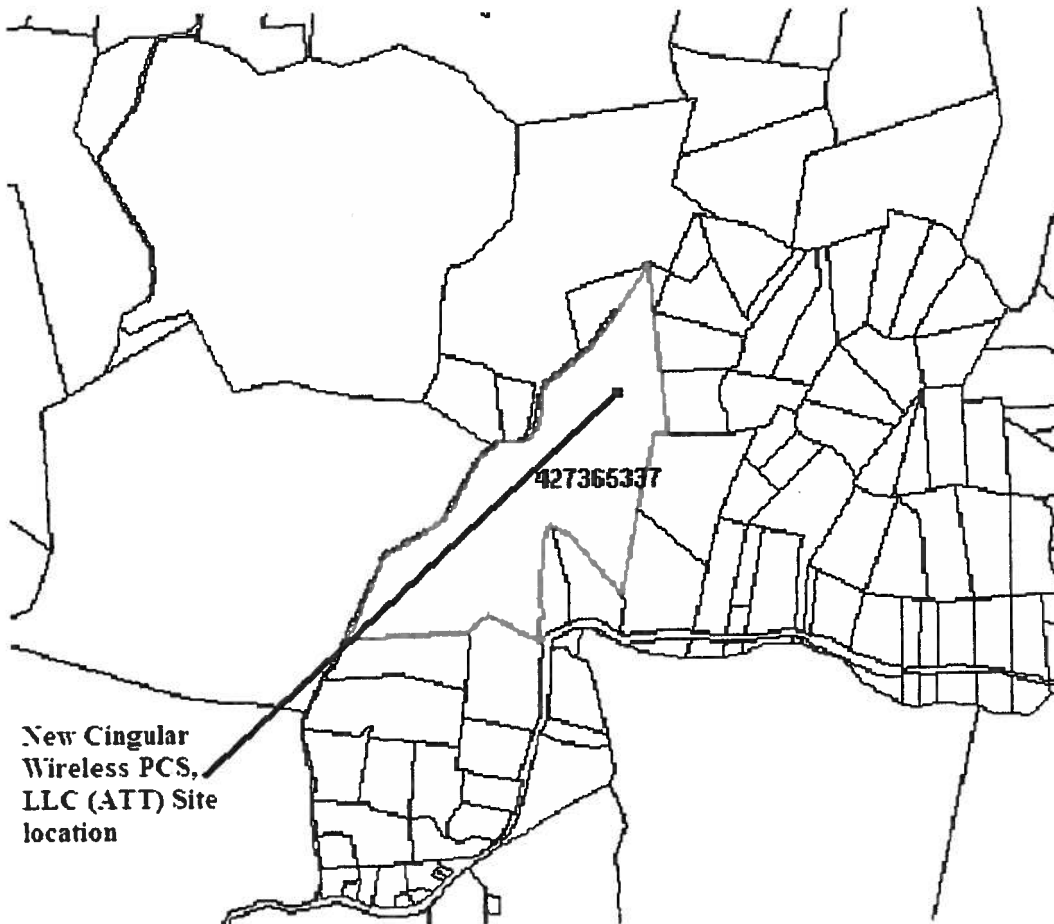


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Tax Map Showing Parcel and Proposed Location of New Telecommunications Facility





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**New Cingular Wireless PCS, LLC
Supplement to Special Exception Application for
Approval at
21164 Steptoe Hill Rd. Middleburg, VA 20117**

Applicant: New Cingular Wireless PCS, LLC (AT&T)
Site Name: VA3148 Philomont
Property Address: 21164 Steptoe Hill Rd.
Middleburg, VA 20117
Tax ID #:427-36-5337-000
Book/Page: 2271/ 867
Zoning Designation: AR 2
District: Blue Ridge

Loudoun County Zoning Ordinance

Outline of Ordinance Requirements for Special Exceptions

I. Section 5-618(B) - Monopoles

(2) Monopoles, Special Exception Required. Except as provided above, telecommunications monopoles shall be permissible subject to approval of a special exception and subject to the performance standards listed in Sections 5-618(B)(3) and 5-618(B)(4), in the following situations:

(a) In the AR-1, AR-2,

(3) Monopoles, General Performance Criteria. All

Telecommunications monopoles, whether permitted by right or permissible with the approval of a special exception application, shall be subject to the following criteria:

(a) The proposed telecommunications monopole shall be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. In addition, the facility shall be located in the interior of the



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property and areas of existing vegetation, if applicable, shall be used to screen the facility.

AT&T will be constructing a stealth installation that will blend in with the surrounding tree coverage. The location is located in the interior of the property and will have the Type 4 Landscape Buffer as screen to surround the fenced in lease area.

(b) New telecommunications monopoles shall be designed to accommodate at least three (3) providers, unless:

(i) Doing so would create an unnecessary visual impact on the surrounding area;
or

(ii) No additional need is anticipated for any other potential user in the vicinity; or

(iii) There is some valid economic, technological, or physical justification as to why co-location is not possible.

The applicant shall identify the conditions under which future co-location by other service providers is permitted.

AT&T will have future space on the stealth pole for additional carriers as required by Loudoun County.

(c) The height of such monopole, including antennas, shall not exceed 199 feet, as measured from the natural ground elevation.

The height of the proposed stealth tree-pole is 154 feet.

(d) Satellite and microwave dishes attached to monopoles shall not exceed two (2) feet in diameter.

AT&T will be in compliance.

(e) Except as provided in Section 5-618(B)(3)(o) and Section 5-618(B)(4)(d), telecommunications monopoles shall not be located any closer than one (1) foot for every five (5) feet in height to any property line. Structures and buildings may be constructed within the setback areas of the monopole, provided other zoning standards are met.

AT&T is in compliance with the setback requirements set by the county. The nearest property line is 569 feet away



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(f) The related unmanned equipment structure(s) shall not contain more than 500 square feet of total gross floor area per telecommunications provider on each site. Structures shall not exceed 12 feet in height.

The equipment cabinets will be located on an 11'x11' concrete pad totaling 121 square feet and the fence surrounding the equipment will be 8' in height.

(g) Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, monopoles shall blend with the background.

The proposed facility is a stealth tree pole.

(h) No signals or lights or illumination shall be permitted on a monopole, unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the County.

AT&T will comply.

(i) No commercial advertising or signs shall be allowed on a monopole.

AT&T will comply.

(j) A commission permit shall be required.

AT&T is applying for a commission permit concurrently.

(k) No monopole shall be located within a County designate historic district.

The proposed location on Steptoe Hill Road is not located in a historic district.

(n) Applicants for any commercial public telecommunications facility shall demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding from the FAA that the proposed facility is not a hazard or obstruction to aviation is necessary prior to the issuance of a zoning permit. If a proposed telecommunications facility is higher than 199 feet or within five (5) miles of the property boundary of either Dulles or Leesburg Airports, the applicant shall provide verification that: 1) the appropriate airport authority (Metropolitan Washington Airports Authority or the Town of Leesburg) has been notified in writing; and 2) the FAA has determined that the proposed facility is neither a hazard nor an obstruction to aviation. (o)



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When locating on a Loudoun County or Loudoun County Sanitation Authority site or fire and/or rescue company site: 1) the telecommunications equipment shall not interfere with the existing telecommunications equipment of the primary use; and 2) the setback provisions of Section 5-618(B)(3)(e) shall not apply. In addition, the landscaping/buffering provisions of the Ordinance may be reduced or waived if the site has been developed in accordance with Section 5-1409(G).

See attached report titled VA3148 Philomont Towair Determination.

(p) Applicants proposing a new telecommunications monopole within one (1) mile of a County designated historic district or a Virginia Byway shall submit a minimum of three (3) visual simulations and written justification as to why the monopole could not be sited elsewhere. This requirement shall also be applied if a telecommunications monopole is proposed on a property listed on the National Register of Historic Places.

The proposal is not within one mile of a county designated historic district or Virginia Scenic Byway.

(q) Telecommunications monopoles shall not be located along ridge lines, but downslope from the top of ridge lines, to protect views of the Catoclin, Bull Run, Hogback, Short Hill, and Blue Ridge Mountains.

AT&T's proposed structure is not located along any ridge line or the downslope of one.

(r) Applicants shall submit documentation, in written and graphic form, regarding the service area to be provided by the proposed telecommunications monopole.

Please see attached Propagation Maps that show AT&T's current wireless coverage and their proposed wireless coverage.

(4) Monopoles, Additional Submission Requirements. The following additional information shall be submitted by applicants for monopoles required to be approved by special exception.

(a) The applicant shall provide photoimagery or other visual simulation of the proposed telecommunications monopole shown with the existing conditions of the site. This simulation shall be provided from a minimum of three (3) perspectives. The applicant shall address how the facility can be designed to mitigate the visual impact on area residents, facilities, and roads.

Please see attached Photosims.



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(b) Except for areas where permitted by right, an applicant for a new commercial public telecommunication monopole shall demonstrate that location on an existing telecommunications facility or structure greater than 40 feet in height is not feasible. The applicant shall evaluate telecommunications facilities and structures greater than 40 feet in height within a one (1) mile radius of the proposed facility within the Eastern Loudoun Urban Growth Area. Elsewhere in the County, the applicant shall evaluate these locations within a two (2) mile radius of the proposed facility. Technological, physical, and economic constraints may be considered in determining infeasibility.

Co-location may be determined to be infeasible in the following situations:

(i) Planned equipment would exceed the structural capacity of existing and approved telecommunications facilities, considering existing planned use of those facilities, and such facilities cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;

(ii) Planned equipment will cause interference with other existing or planned equipment for that telecommunications facility, and that interference cannot be prevented at a reasonable cost;

(iii) Existing or approved telecommunications facilities do not have space on which planned equipment can be placed so as to provide adequate service; and

(iv) Existing and approved telecommunications facilities will not provide adequate signal coverage.

There are no existing structures within a 2 mile radius that are over 40 feet in height.

(c) In addition to those entitled to notice under the provisions of Section 6-600 of this Ordinance, all owner(s), or their agent(s), of all properties abutting or immediately and diagonally across the street or road from those properties whose owners are entitled to notice under Section 6-600, shall be provided with the same written notice. The applicant is also encouraged to meet with community and homeowners association groups in the area.

AT&T will provide written notice pursuant to section 6-600, and will provide additional outreach as necessary.



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II. 6-1310: Issues for Consideration

In considering a special exception application, the following factors shall be given reasonable consideration. When a special exception or minor special exception application includes a request for approval of temporary special events, the following factors shall be reasonably considered taking into account the proposed special events as well as the principal special exception use. The applicant shall address all the following in its statement of justification or special exception plat unless not applicable, in addition to any other standards imposed by this Ordinance:

- A. Whether the proposed special exception is consistent with the Comprehensive Plan. AT&T's proposed special exception is in substantial accordance with the Comprehensive Plan.
- The proposed facility is consistent with the Comprehensive Plan. The proposed facility will be sited in AR-2 district, located at 21164 Steptoe Hill Rd. in Middleburg. The requested use is a permitted use under 2-202. Per Chapter 3 of the Comprehensive plan, the demand for local services has doubled in Loudoun County over the past decade due to increasing growth in population. Correspondingly, this growth has caused parts of the AT&T network to become overburdened, resulting in unacceptable handling of call volume. The requested facility will cause calls to be distributed appropriately resulting in a higher quality service for area residents, businesses and visitors. This location will provide improved coverage along the Snickersville Turnpike and State Route 729. The requested facility further contributes to the County's vision for economic development, as the availability of quality communications can directly support existing businesses while attracting new business concentration. Additionally, the wireless telecommunications network can positively impact the quality of life for the residents. While the County wishes to promote safe, healthy lifestyles for its residents, the requested facility will improve area coverage and enhance emergency 911 coverage. Appropriate wireless coverage offers residents a greater level of safety and security, particularly in parks and along running trails. Families are able to communicate and emergency service responders are better able to locate those who are lost or victims of an accident.*
- B. Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control. *The proposed facility will be consistent with all applicable requirements. The proposed facility will not present safety or fire hazards.*



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- C. Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area. ***The proposed facility is an unmanned facility that will not produce noise, traffic, waste or otherwise negatively impact the surrounding uses. The site will be visited approximately once per month by a technician for regular maintenance.***
- D. Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area. ***There will be no glare or light generated by the proposed use.***
- E. Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels. ***The proposed use is compatible with uses in the neighborhood and adjacent parcels. AT&T is proposing to construct a stealth tree-pole that will blend in with surroundings and existing trees.***
- F. Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surround uses. ***The proposed location is sufficiently set back from the road and abutting properties and is adequately screened by an existing stand of mature trees. AT&T will be adhering to the county's type 4 landscape buffer requirements. The substantial setback and the use of stealth technology make the requested location ideal. Additionally, AT&T proposes placement of an 8' wood fence to enclose the compound. This additional buffer will ensure safety as well as eliminate view of the tower base and equipment shelter.***
- G. Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance. ***The requested facility will have no effect on any such feature.***
- H. Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality. ***The requested facility will not damage or generate adverse impact on any animal habitat, vegetation, water or air quality.***
- I. Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public. The proposed special exception at this location will contribute to and promote the welfare and



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convenience of the public. *The requested facility will improve area coverage to include coverage to the vicinity to include Snickersville Turnpike, SR-729, Mt. Gilead Road and along Greggsville Road. Appropriate wireless coverage offers residents a greater level of safety and security on the road and particularly in parks and long running trails. Families are better able to communicate and emergency service responders are better able to locate those who are lost or victims of an accident. Residents, businesses and commuters will experience improved service along Snickersville Turnpike and in the general vicinity.*

- J. Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services. *The proposed use will be an unmanned facility; therefore, the traffic patterns will not be adversely affected. Once the facility is constructed, normal traffic will include approximately one visit per month by a service technician for regular maintenance.*
- K. Whether, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of Loudoun County. *N/A.*
- L. Whether the proposed special exception will be served adequately by essential public facilities and services. *The proposed use will not generate demand for essential public facilities and services as it is an unmanned facility, not intended for human habitation.*
- M. The effect of the proposed special exception on groundwater supply. *The proposed special exception will have no effect on the groundwater supply.*
- N. Whether the proposed use will affect the structural capacity of the soils. *A geotechnical study will be performed prior to construction of the facility. The facility will be designed so as not to affect the structural capacity of the soils.*
- O. Whether the proposed use will negatively impact orderly and safe road development and transportation. *The proposed use will have no impact on orderly and safe road development and transportation. Once the facility is constructed, normal traffic will include approximately one visit per month by a service technician for regular maintenance.*
- P. Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan. *The proposed special exception will*



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generate jobs during the construction phase as well as ongoing employment for maintenance of the facility. By providing wireless telecommunications service in the area, the proposed special exception can advance competition while promoting communications which is essential for business growth and development.

- Q. Whether the proposed special exception considers the needs of agriculture, industry, and businesses in future growth. *The proposed special exception does consider these needs and can help to advance future growth in these areas. Communication is essential for future growth and development of agriculture, industry and business. The requested special exception can directly impact those needs by providing a high quality, reliable service.*
- R. Whether adequate on and off-site infrastructure is available. *Adequate on and off site infrastructure is available for the successful integration of the requested facility into the AT&T wireless telecommunications network.*
- S. Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses. *The proposed use will not generate any odor.*
- T. Whether the proposed special exception uses sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and school areas. *The proposed construction will take place on site. The subject property includes an existing access road. There is no expected impact to neighborhoods, school areas or regular traffic flow to be caused by construction traffic.*

December 10, 2010

Nita Bearer, Zoning Planner
Department of Building and Development
1 Harrison Street, S.E. P. O. Box 7000
Leesburg, VA 20177-7000
(571) 258-3197
nita.bearer@loudoun.gov

Re: Case number: SPEX-2009-0016 & CMPT-2009-0005
Case name: Steptoe Hill VA

Dear Ms. Bearer,

This letter is in response to your application and summary comments of October 26, 2010. The following are our responses to the comments that affect the drawings -- the original comments are listed below with responses in bold typeface.

I. STATEMENT OF JUSTIFICATION

1. Paragraph 2 on page 2 states that there will be a 25' x 40' compound. According to Sheet A-3 of the plan, there is a 25' x 40' compound and a proposed 25' x 20' compound area. The special exception should address both areas as one area of 25' x 60'.

Drawings A-0, A-0A, A-0B, A-2 and A-3 have been revised to indicate a 25'x60' compound area.

II. CONFORMANCE WITH SECTION 6-1310, ISSUES FOR CONSIDERATION

2. 6-1310(B) *Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.*

The site will be located within a heavily wooded area at the end of Step Toe Hill Road, a 14' wide existing gravel road. Provide an explanation as to how safety from fire hazards will be accomplished.

No changes to the drawings.

3. Section 6-1310(F) *Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.*

Site Note #11 on the title sheet states that the existing wooded areas and trees are to be maintained within a 200 foot radius of the proposed compound. Zoning staff recommends that this area be included within the special exception area or designated as a tree save area.

Drawings A-0, A-2 have been revised to indicate a 200' tree save area.

III. OTHER ZONING COMMENTS

4. The "Scope of Work" on Sheet T-1 limits the number of antennas that will be permitted on the monopole. The antennas and associated equipment are permitted by right on monopoles by approval of a site plan. Unless the applicant intends to limit the number of antennas to be located on the pole, Zoning staff recommends removing the statement regarding antennas. Please remove the statement regarding the number of antennas.

Drawing T-1 has been revised to remove the statement regarding antennas.

5. The subject application is for special exception approval, it is not for site plan approval. The "Scope of Work" statement should be revised to provide the purpose of the special exception application. Zoning staff recommends a statement as follows: "The purpose is to construct a 150' monopole with a 4' lightening rod within a 25' x 60' compound for co-location of a minimum of three providers. The compound shall be surrounded by a type 4 landscape buffer. The buffer plantings shall be supplemented by existing vegetation and trees if the supplemental plantings meet the standards of Section 5-1403."

Drawing T-1 has been revised to indicate the note above in the scope of work, now called "Special Exception Purpose".

6. There is a discrepancy in the size of the compound on Sheets A-0, A-0A, A-0B, A-1 and A-2 and the size of the compound on Sheet A-3. Recalculate the size of the compound and verify that the compound is included within the special exception area calculation. The illustration and labeling of the compound must be consistent on all sheets.
Drawings A-0, A-0A, A-0B, A-2 and A-3 have been revised to indicate a 25'x60' compound area. The special exception area has been revised on all sheets to include the monopole, compound, buffer yards, parking area, and the new access to the site. The special exception area has been recalculated and is indicated as 11,231.3 square feet on drawings T-1, A-0A and A-2. See further comments below.
7. The buffer area provided on sheets A-0, A-0A, A-0B, A-1 and A-2 is 75' x 90'. If the total compound area is 25' x 60' as illustrated on Sheet A-3, the buffer area must be expanded. According to zoning staff calculations, the area of the buffer yards and compound should be 75' x 110'. Verify the size of the buffer area and illustrate and label it consistently on all sheets
Drawings A-0, A-0A, A-0B, A-2 and A-3 have been revised to indicate a 75' x 110' buffer area with the same note in each instance.
8. Throughout the plan, the size of the special exception area is indicated as 6,750 sf. The special exception area must include the monopole, compound, buffer yards, parking area, and the access to the site. Verify the size of the special exception area.
Drawings A-0, A-0A, A-0B and A-2 have been revised to indicate a recalculated special exception area, to include the monopole, compound, buffer yard, parking area and new access. The special exception area has been recalculated and is indicated as 11,231.3 square feet on drawings T-1, A-0A and A-2.
9. Site Note #11 on Sheet A-1 indicates that all existing wooded areas and trees are to be maintained within a 200' radius of the compound. As noted above, zoning staff recommends that this area be included within the special exception area or designated as a tree save area. A-1 – Designate 200' radius areas as "tree save".
Drawings A-0, A-0A, A-0B and A-2 have been revised to indicate the 200' tree save area (see comment #4 above). Drawing A-1 has been deleted from the drawings (see comment #10 below).
10. Sheet A-1 is a proposed site plan. The subject application is for a special exception. Remove Sheet A-1 as this should be submitted at the time of site plan application.
Drawing A-1 has been deleted from the drawings.
11. Relocate the "Bulk Requirements for AR-2" and "Parking Tabulations" from Sheet A-1 to Sheet A-2, Special Exception Plat. A-1, A-2 – Move tables from 1 to 2.
Drawing A-2 has been revised to include the "Bulk Requirements for AR-2" and "Parking Tabulations".
12. Verify the scale on Sheet A-2. The illustration is consistent with a scale of 1"=50'.
Drawing A-2 has been revised to correct the scale indicator to read 1"=50'.
13. Add a note to the Sheet A-2 indicating that the site will be developed in compliance with Section 5-618(B). A-2 – Note: "Site will be developed in compliance with Section 5-618(B)."
Drawing A-2 has been revised to the note above to a new "Special Exception Plat Notes" area at the top left.
14. On Sheet A-2, add a note indicating that a type 4 landscape buffer will be provided. Indicate in the note that the buffer plantings may be supplemented by existing vegetation and trees if the supplemental plantings meet the standards of Section 5-1403.



Drawing A-2 has been revised to the notes above to a new "Special Exception Plat Notes" area at the top left.

15. Remove the Buffer Yard Type 4 table, the type 4 buffer yard landscape schedule, the Landscape legend, the illustration of the plantings and the plant labels from Sheet A-2 as the landscape buffer will be addressed at site plan submission. If the buffer yard tables are removed, remove Site Note #16 on Sheet T-1.
Drawing A-2 has been revised to remove the bufferyard table, legend and plant indications. Drawing T-1 has been revised to delete note #16.
16. On Sheet A-3, illustrate the fence around the total compound area of 25' x 60' in the Compound Plan. Remove the dimension of 25' x 40' from the label of the fence in the compound plan and the elevation illustration.
Drawing A-3 has been revised to indicate the fence all the way around the 25'x60' compound area. The dimensions have been removed from the fence note. The dimensions at the compound have been revised.
17. Throughout the plan, label the monopole consistent with Sheet A-3 – "150' pinetree pole with a 4' lightning rod, total height 154 ft."
Drawings A-0, A-0A, A-0B, A-2 and A-3 have been revised to indicate the note above.
18. In the Elevation Plan on Sheet A-3, unless the applicant intends to limit the location and number of providers and antennas, Zoning staff recommends including the wording "Illustrative only" in the labels "Proposed AT&T antennas mounted T-arms – 3 per sector (2 proposed, 1 future)" and "Future carrier antennas @ 130 AGL and 140' AGL."
Drawing A-3 has been revised to indicate the following notes: "Proposed AT&T antennas mounted on T-arms: 9 proposed, 3 future (12 total)" and "Future carrier antennas @ 130 AGL and 140' AGL".

End of comments.

Department

Please call me if you have any questions or comments.

Sincerely,
BC Architects Engineers, PLC

A handwritten signature in black ink that reads "David Richardson".

David Richardson, Architect

This page is intentionally left blank.



November 12, 2010

Sophia Fisher, Planner
Loudoun County
Department of Planning
1 Harrison St., SE., 3rd Floor, Mailstop #62
Leesburg, VA 20177-7000



Re: AT&T Responses to County's Second Referral Comments relating to
SPEX-2009-0016 & CMPT-2009-0005- Steptoe Hill VA

Dear Sophia:

New Cingular Wireless PCS, LLC ("AT&T") acknowledges receipt of the Second Referral Comments dated November 1, 2010. This letter constitutes AT&T's response to those comments. As you will see below, we've copied the "Outstanding Issues" from the November 1, 2010 Memorandum of Second Referral Comments, and inserted AT&T's response below each comment. It is our hope that these responses, in combination with AT&T's earlier response to the First Referral Comments dated October 15, 2009, address all Staff issues and that the matter can proceed to public hearings before the Planning Commission and Board of Supervisors.

Also, enclosed please find nine (9) copies of the revised Special Exception Plat dated November 10, 2010, as well as other various exhibits that are referenced in AT&T's responses.

Department of Planning Referral Comments dated November 1, 2010

OUTSTANDING ISSUES

LAND USE

Design/Visual Impact

The use of "stealth" designs to conceal mobile telecommunication facilities is a viable alternative to standard monopole construction if properly executed to blend with the surrounding landscape. The Plan calls for design standards to mitigate the visual impacts of commercial public telecommunication facilities so as to "blend with the natural and built environment of the surrounding area" (*Telecommunication Plan, Design Standards, Countywide Visual Impacts Policy 1*). Monopole sites should be sited down slope toward the interior of a property within areas of existing mature vegetation so that the maximum amount of the structures and associated buildings are screened (*Telecommunication Plan,*

Design Standards, Rural and Historic Areas Policies 1a, 1b, and 1d). The Plan also directs that tower and monopole sites should be designed and constructed to the minimum height necessary to accommodate at least three (3) providers and provide sufficient land area for additional equipment buildings unless doing so would create an unnecessary visual impact on the surrounding area (*Telecommunication Plan, Design Standards, Tower and Monopole Design Policy 2*).

The proposed telecommunication facility on the subject site will consist of a 154-foot stealth tree-pole (evergreen) which can accommodate up to three telecommunication providers. The associated ground-mounted equipment will be located near the base of the proposed tree-pole. The concept of the stealth design of the proposed tree-pole is in keeping with Plan policies which seek to mitigate the visual impact of telecommunication facilities so as to blend with the natural and built environment of the surrounding area. The applicant has relocated the proposed tree-pole to a lower elevation on the subject property. While the relocation of the tree-pole from the highest point within the area down slope is consistent with Plan policies, there will still be visual impacts from rights-of-way and individual properties. The revised location of the proposed tree-pole is approximately 10 feet less than the previous location placing the top of the proposed tree-pole at approximately 710 feet. Existing vegetation surrounding the site consists of hardwood trees approximately 70 to 80 feet in height. The applicant has provided propagation studies at various height scenarios to justify the requested height of the proposed tree-pole. While the existing hardwood trees will screen the lower portions of the proposed 154-foot tree-pole, the top portion of the tree will be visible from various locations. As the overall height of the proposed tree-pole is uncharacteristically tall for trees (evergreen or deciduous) in the County a conventional monopole may be less conspicuous.

Staff recommends the applicant compare impacts associated with a conventional monopole to determine if a different approach would be more appropriate.

AT&T Response #1:

Attached please find additional photosimulations illustrating the visual impact of a monopole as compared to the visual impact from a stealth tree pole. This proposed tower, regardless of design, is extremely well situated to minimize visual impact to surrounding areas and comply with all of Loudoun County's regulations and requirements.. With that said, however, AT&T has evaluated both design options (traditional versus stealth tree pole) and believes that the stealth design of a tree pole helps to further minimize the visual impact of the tower. AT&T is willing to accept a different opinion from the County and will comply with a condition that the proposed tower be a traditional monopole.

Staff requested addition photo simulations to assess visual impacts to Goose Creek, a State designated Scenic River and the Goose Creek Historic District. While the applicant has provided photo simulations from 14 different locations, photo simulations have not been included from Goose Creek approximately 0.5 mile south of the proposed tree-pole or from the Goose Creek Historic District approximately 1.3 miles north of the proposed tree-pole. In addition, staff notes that a photo simulation has been included within the Goose Creek Farms subdivision (Photo simulations 3 and 4), approximately 1.27 miles east of the site along Goose Creek Lane. While it is important to show any potential visual impacts from this residential neighborhood, it would be helpful to include photo simulations from the closest residential structures, those along Wild Goose Lane.

Staff recommends the applicant include photo simulations from Goose Creek south of the proposed site, the Goose Creek Historic District north of the proposed site, and residential uses along Wild Goose Lane within the Goose Creek Farms subdivision east of the subject site to assess any visual impacts.

AT&T Response #2:

The County's comments from October 15, 2009, included a request that AT&T "include photo simulations from Goose Creek and the Goose Creek Historic District to assess any visual impacts to these resources." Consequently, when AT&T conducted a balloon test and visual impact survey from the new (and current) location on January 26, 2010, AT&T went to great lengths to ensure that the entire surrounding areas, to the north, south, east, and west, including these particular areas, were assessed for any potential visual impact. The January 26, 2010 visual impact survey was attended by Ginger Beaudoin for AT&T, Greg Rapisarda, attorney for AT&T, and Sophia Fisher for Loudoun County. The visual impact survey took approximately 2.5 hours and was a comprehensive assessment of all main roads and nearly all secondary and tertiary roads within a several mile radius. The large red balloon flying at 154' was not visible from the specific areas mentioned in the County's comments and a comprehensive visual impact survey showing photographs and photosimulations from 17 different locations was submitted to the County in response to the First Referral Comments. An affidavit from Ginger Beaudoin describes the balloon test and visual impact in more detail and is attached to this letter.

The Plan directs that specific attention be paid to the setting, color, lighting, topography, materials, and architecture. Antennas and other telecommunication devices should be neutral in color to blend with the background, unless specifically required by the FAA to be painted or lighted otherwise (*Telecommunication Plan, Design Standards, Countywide Visual Impacts Policy 2*). Accessory structures and equipment buildings should also blend with the surrounding environment through the use of appropriate color, texture of

materials, scale, landscaping and visual screening (*Telecommunication Plan, Design Standards, Countywide Visual Impacts Policy 3*).

The notes on Sheet A-3 provide that the “pinetree pole shall be painted dark brown antennas shall be painted to match pine needles”. The response to staff’s comments provides that the applicant has no objection to this requirement being a condition of approval. To ensure that the proposed construction is consistent with the simulations and submitted drawings, staff recommends the applicant include commitments to the color of the antenna array/mountings as well.

Staff recommends the conditions of approval and general notes of the plat include a commitment to antenna array/mountings painted to match the pine needles.

AT&T Response #3:

Typically, tree pole designs provide that the antenna mounts are painted to match tree branch colors, as opposed to the pine needles. It is AT&T’s belief, however, that the purpose behind Staff’s Comment is to ensure that the antennas are stealthed to blend in with the tree pole and are not the typical (non-stealthed) stainless steel color within a stealthed tree pole, as opposed to actually making a distinction between the colors of the pine needles and the branches. In either case, AT&T will agree to the condition, but AT&T recommends that the condition merely state that the antennas need to be stealth colored to match the stealth tree pole. A broader condition will allow AT&T to work with various manufactures to get the best design.

As stated above, Plan policies call for monopole sites to be designed and constructed to the minimum height necessary to accommodate at least three (3) providers and provide sufficient land area for additional equipment buildings unless doing so would create an unnecessary visual impact on the surrounding area (*Telecommunication Plan, Design Standards, Tower and Monopole Design Policy 2*). The response to staff’s comments provides the applicant has reached out to other carriers to inquire about interest and intent. However, carriers typically will only allocate resources for co-location after a tower is approved and/or built.

Staff recommends the applicant confirm that lower elevations will be usable by two additional telecommunication providers.

AT&T Response #4:

The attached Structural Certification Letter dated November 9th, 2010, certifies that the lower 2 RAD Centers are usable.

On behalf of AT&T, the Applicant, I request that AT&T's responses be reviewed and that this application be set down the next available public hearing before the Loudoun County Planning Commission.

Please contact me or contact AT&T's attorney, Greg Rapisarda at 410-332-8963, with any questions or concerns. .

New Cingular Wireless PCS, LLC

By: _____
Bryan Cline, Agent for Applicant

Attachments

- ◆ Revised Special Exception Plat dated November 10, 2010
- ◆ Affidavit of Ginger Beaudoin
- ◆ Structural Certification Letter dated November 9, 2010

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AFFIDAVIT OF GINGER BEAUDOIN



I, Ginger Beaudoin, am above the age of majority and am competent to testify as follows:

1. I am a project manager and site acquisitions coordinator with Bechtel Communications Inc., an agent for New Cingular Wireless PCS, LLC d/b/a AT&T Mobility LLC ("AT&T"), and my work address is 9200 Berger Road, Columbia Maryland 21046.
2. I have 10 years of experience in the telecommunications industry and manage projects for AT&T from the initial phases of identifying appropriate or potentially appropriate sites, to designing, zoning, permitting, and constructing these new sites, and this includes assessing the visual impact of towers on surrounding properties and ensuring each site's compliance with local zoning and other regulations.
3. I have overseen or been involved with the planning, design, and siting of hundreds of telecommunications towers and facilities and I am familiar with the zoning and other requirements in Loudoun County Virginia.
4. I have participated in hundreds of visual impact surveys and balloon tests relating to new and proposed telecommunications towers and facilities. These visual impact surveys and balloon tests include raising a large helium filled balloon to the height of a proposed tower, securing the balloon, and then driving surrounding roads and areas to assess the visual impact from the proposed tower and photograph the balloon from various locations.
5. I am the project manager and site acquisitions coordinator for AT&T's proposed stealth telecommunications tower at 21164 Steptoe Hill Road, Middleburg, Virginia 20117 ("Proposed Site"), and AT&T contracted with BC Architects Engineers PLC to perform the civil engineering and visual impact surveys related to AT&T's Proposed Site.

6. I am familiar with the County's 1st referral comments on the Proposed Site, which included the County Staff's request that AT&T "include photo simulations from Goose Creek and the Goose Creek Historic District to assess any visual impacts to these resources."

7. On January 26, 2010, David Richardson with BC Architects Engineers, PLC, performed a balloon test and visual impact survey at the Proposed Site and I witnessed David inflate a large red balloon and raise it to a height of 154' above ground level.

8. While the balloon was in the air at 154' above ground level, I, along with AT&T's attorney Gregory Rapisarda, and County representative Sophia Fisher, conducted a visual impact survey by driving throughout the area, with an eye toward identifying the large red balloon, and we took photographs from numerous locations where the balloon was and was not visible.

9. During this visual impact survey, we assessed the visibility of the large red balloon from every main road and nearly every secondary road within miles of the Proposed Site. We surveyed surrounding areas for approximately 2.5 hours and those areas included areas south of the Proposed Site, the Goose Creek Historic District, the residential areas within the Goose Creek Farms subdivision, and Goose Creek Lane.

10. The balloon was not visible from areas south of the site, and was not visible from the Goose Creek Historic District or the residential areas within the Goose Creek Farms subdivision, including from Goose Creek Lane.

11. AT&T, through BC Architects Engineers PLC, compiled, and submitted to the County, a visual impact survey that includes photographs and photosimulations from seventeen (17) different locations to illustrate the visual impact, or lack thereof, from the proposed stealth tower at the Proposed Site.

12. Despite the fact that we surveyed areas within the Goose Creek Historic District, within the Goose Creek Farms subdivision, and along Goose Creek Lane, we did not take

photographs from some locations within these areas because the balloon was not visible from these areas.

13. Because of the comprehensive nature of the visual impact survey, the numerous photographs we had taken that day, and the consensus among myself, Mr. Rapisarda, and Ms. Fisher that a thorough visual impact survey was conducted from every potential area of impact, combined with the obvious terrain, topographical, and vegetation issues (even in the winter), no additional photographs were taken or deemed necessary.

14. I am familiar with the County's 2nd Referral Comments in which the County Staff "recommends the applicant include photo simulations from Goose Creek south of the proposed site, the Goose Creek Historic District north of the proposed site, and residential uses along Wild Goose Lane within the Goose Creek Farms subdivision east of the subject site to assess any visual impacts."

15. I believe, based on my participation in the visual impact survey on January 26, 2010, as well as the consensus among myself, Mr. Rapisarda, and Ms. Fisher that the survey was comprehensive and that the visual impact had been assessed and documented through numerous photographs, that AT&T has complied with the County's 2nd Referral Comments as stated above in paragraph 14, and that the proposed stealth tower will not be visible from those locations.

I SOLEMNLY AFFIRM under penalties of perjury and upon personal knowledge that the content of the foregoing paper is true.

11/15/10

Date

Ginger Beaudoin

Ginger Beaudoin

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154ft. Balloon Test

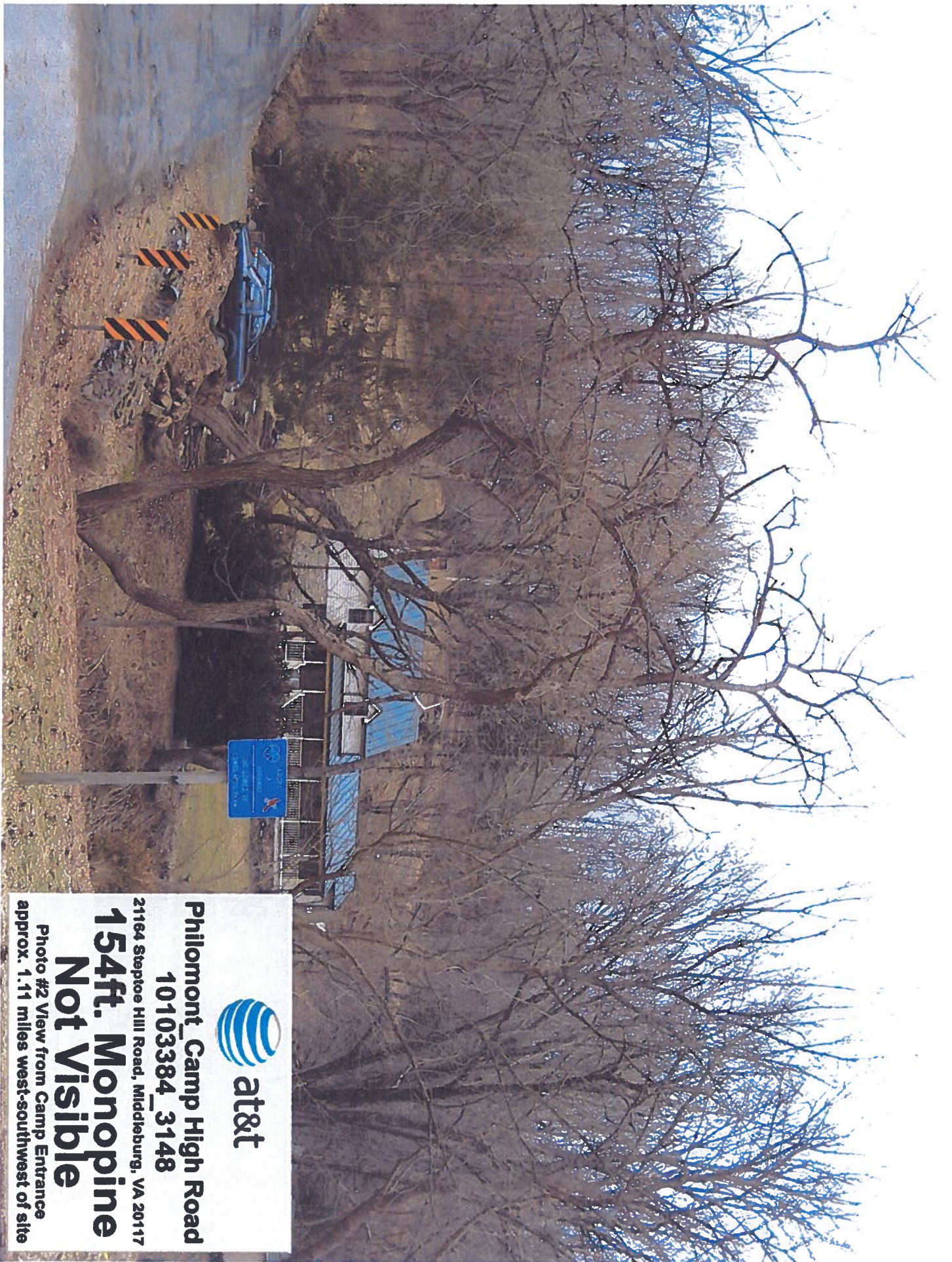


Philomont_Camp High Road
10103384_3148

21164 Steptoe Hill Road, Middleburg, VA 20117

154ft. Monopine Simulation

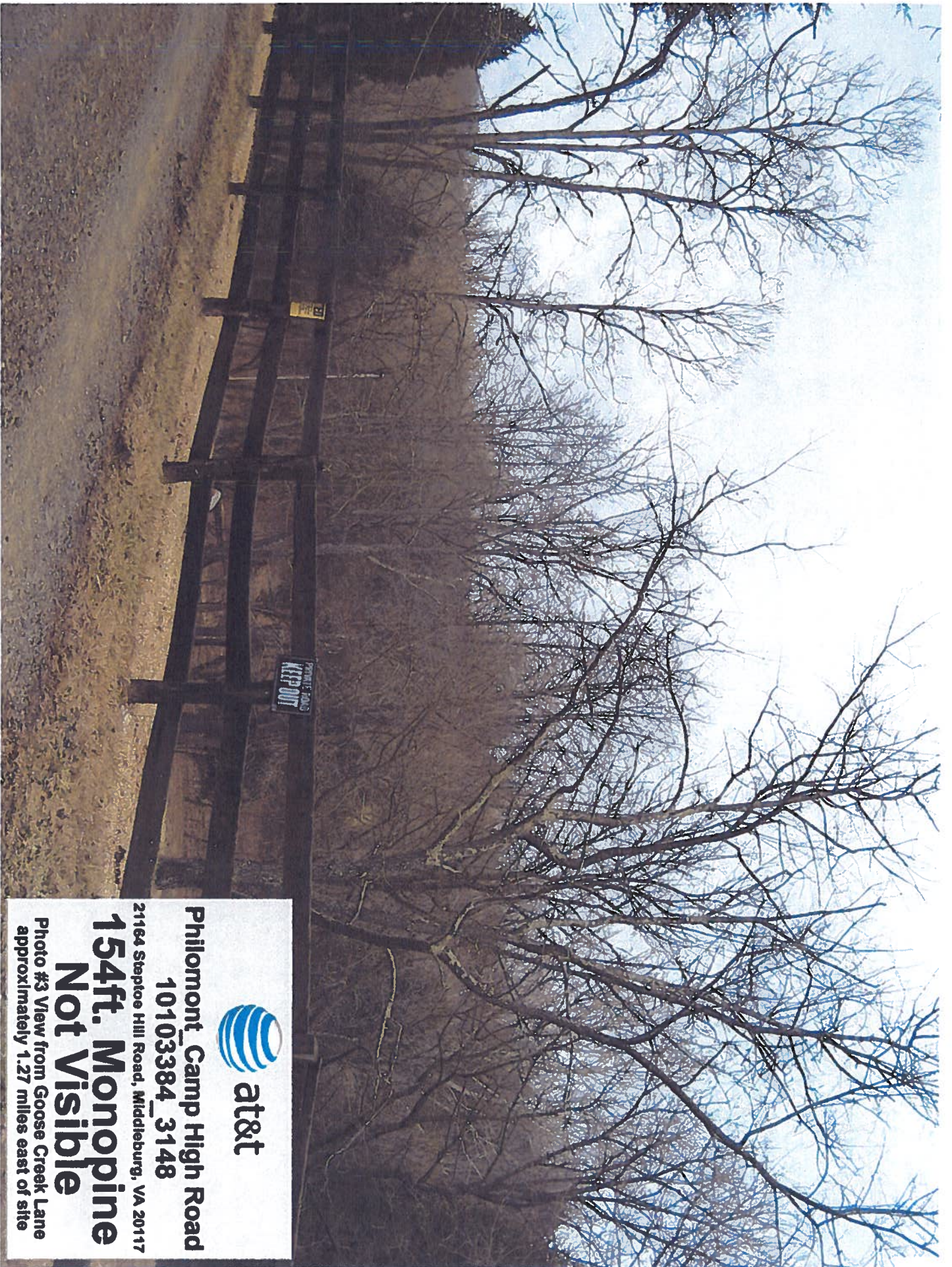
Photo #1 View from Camp property
approximately 3,420ft. southwest of site



Philomont_Camp High Road
10103384_3148

154ft. Monopine
Not Visible

Photo #2 View from Camp Entrance
approx. 1.11 miles west-southwest of site



Philomont Camp High Road
10103384_3148

154ft. Monopine
Not Visible

Photo #3 View from Goose Creek Lane
approximately 1.27 miles east of site



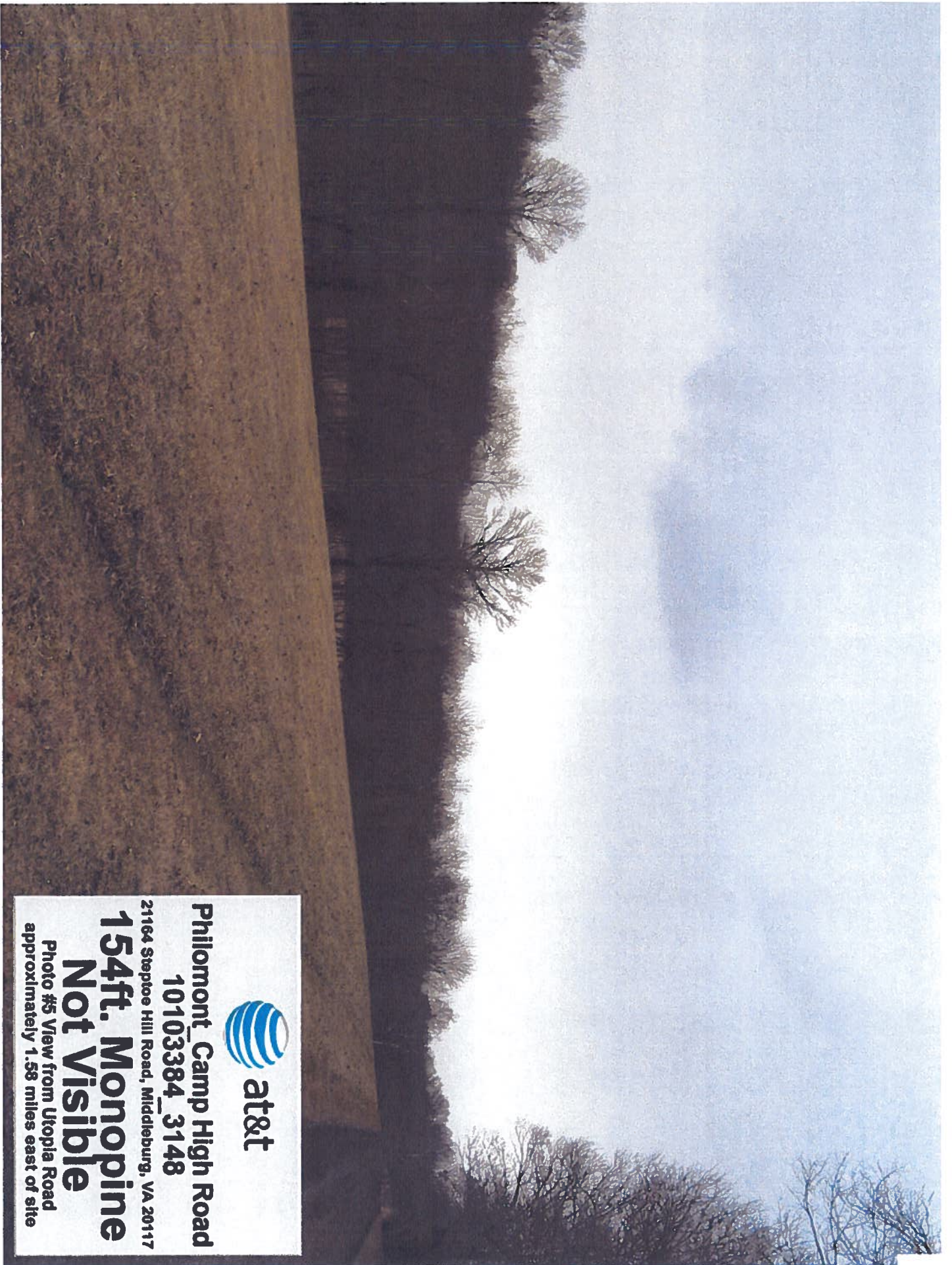
at&t

Philomont_Camp High Road
10103384_3148

21164 Steptoe Hill Road, Middleburg, VA 20117

**154ft. Monopine
Not Visible**

Photo #4 View from Goose Creek Lane
approximately 1.27 miles east of site



at&t

Philomont_Camp High Road

10103384_3148

2164 Steptoe Hill Road, Middleburg, VA 20117

**154ft. Monopine
Not Visible**

Photo #5 View from Utopia Road
approximately 1.58 miles east of site



at&t

Philomont_Camp High Road
10103384_3148

21164 Steptoe Hill Road, Middleburg, VA 20117

154ft. Monopine
Not Visible

Photo #6 View from Lime Klin Road
approx. 2.73 miles east-southeast of site



Philomont Camp High Road
10103384 3148

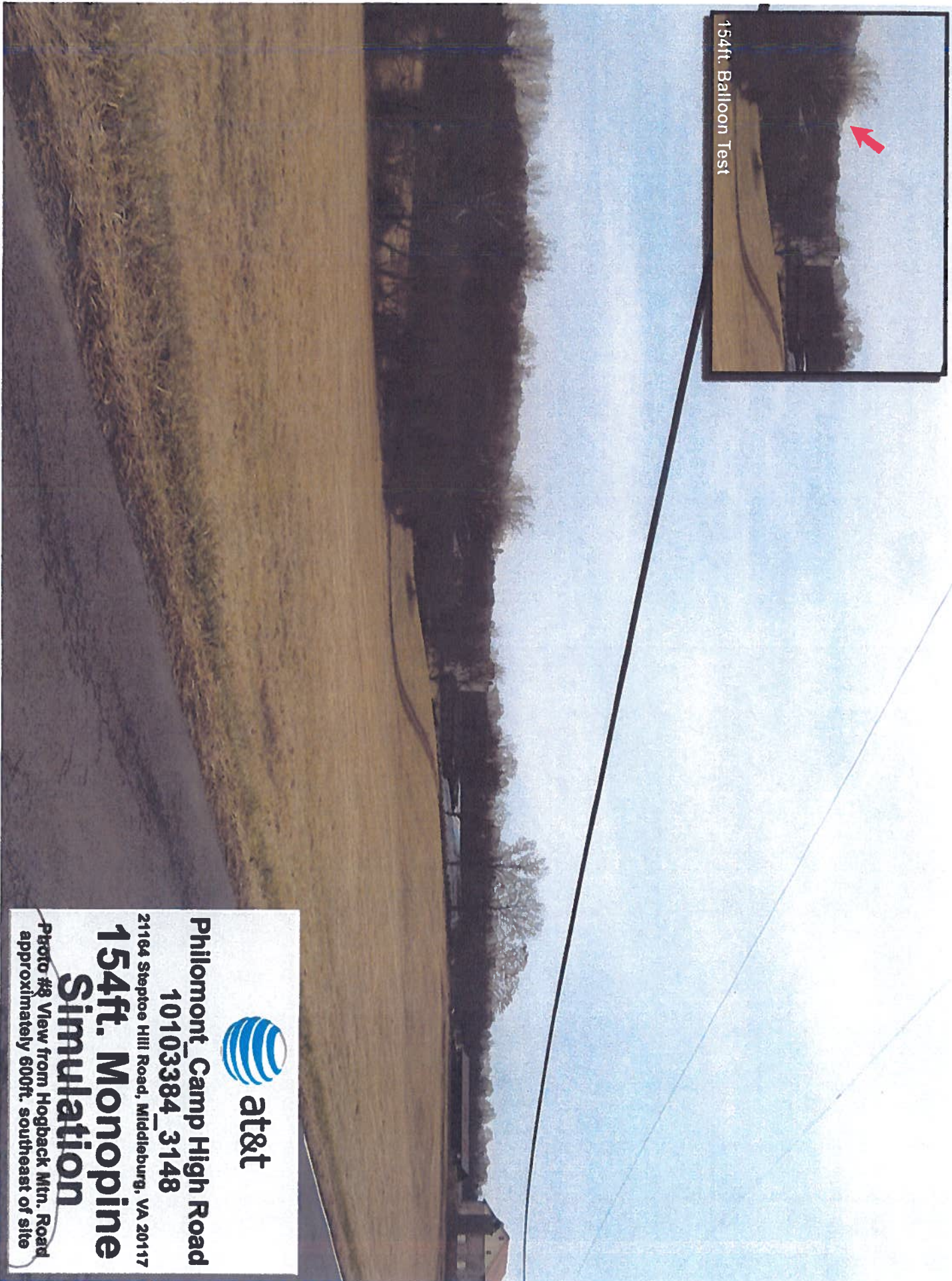
21164 Steptoe Hill Road, Middleburg, VA 20117

154ft. Monopine
Not Visible

Photo #7 View from Route 15
approx. 3.01 miles east-northeast of site



154ft. Balloon Test

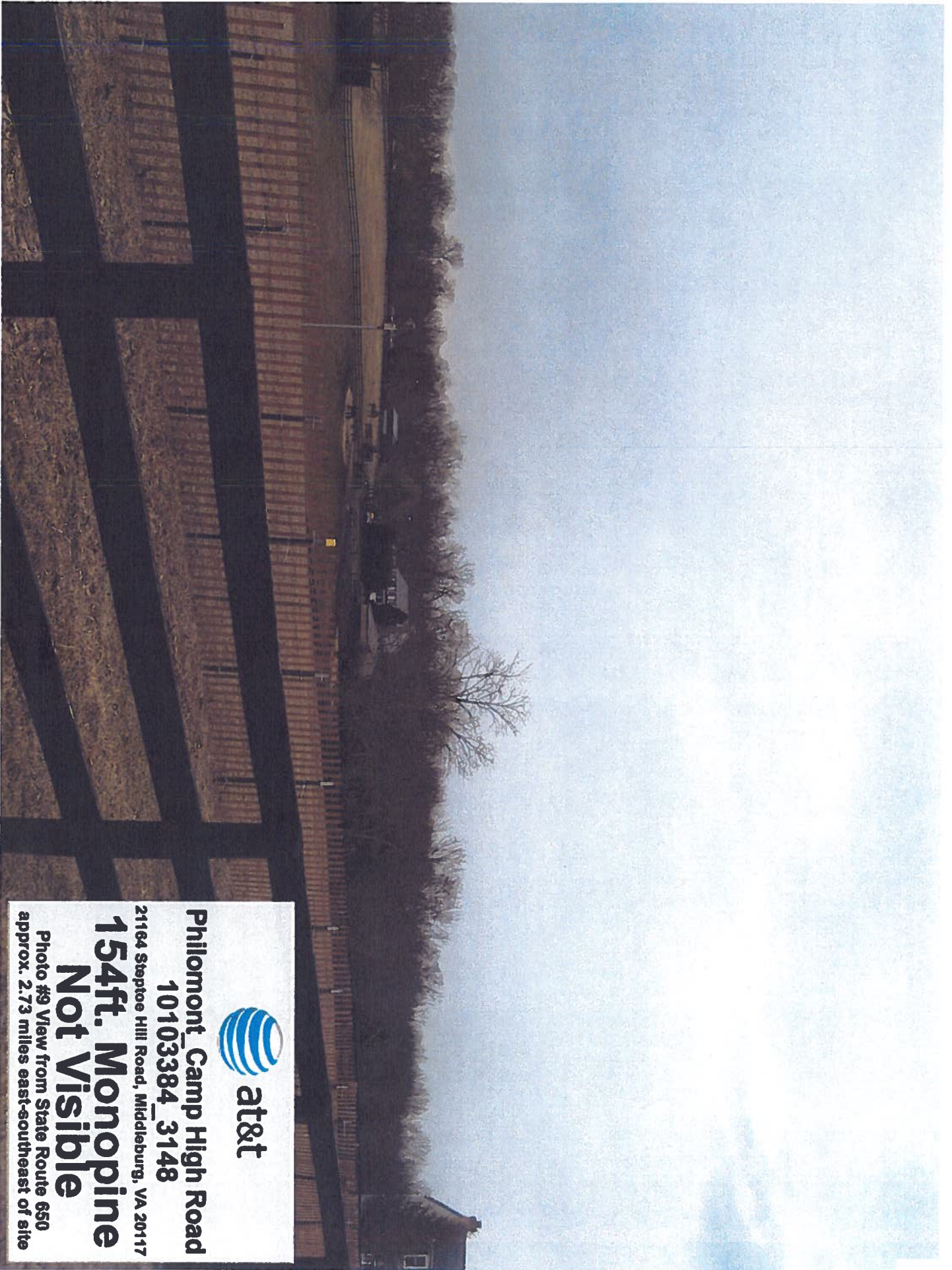


Philomont_Camp High Road
10103384_3148

21164 Steptoe Hill Road, Middleburg, VA 20117

**154ft. Monopine
Simulation**

Photo #8 View from Hogback Mtn. Road
approximately 600ft. southeast of site



Philomont Camp High Road
10103384_3148

21164 Steptoe Hill Road, Middleburg, VA 20117

154ft. Monopine
Not Visible

Photo #9 View from State Route 650
approx. 2.73 miles east-southeast of site



154ft. Balloon Test



Philomont Camp High Road
10103384_3148

154ft. Monopine
Simulation

Photo #10 View from W. Lime Kiln Road
approx. 1.47 miles southwest of site



Philomont Camp High Road
10103384_3148

21164 Steptoe Hill Road, Middleburg, VA 20117

154ft. Monopine
Not Visible

Photo #11 View from Snickersville Turnpike
approximately 1.7 miles southwest of site

154ft Balloon Test

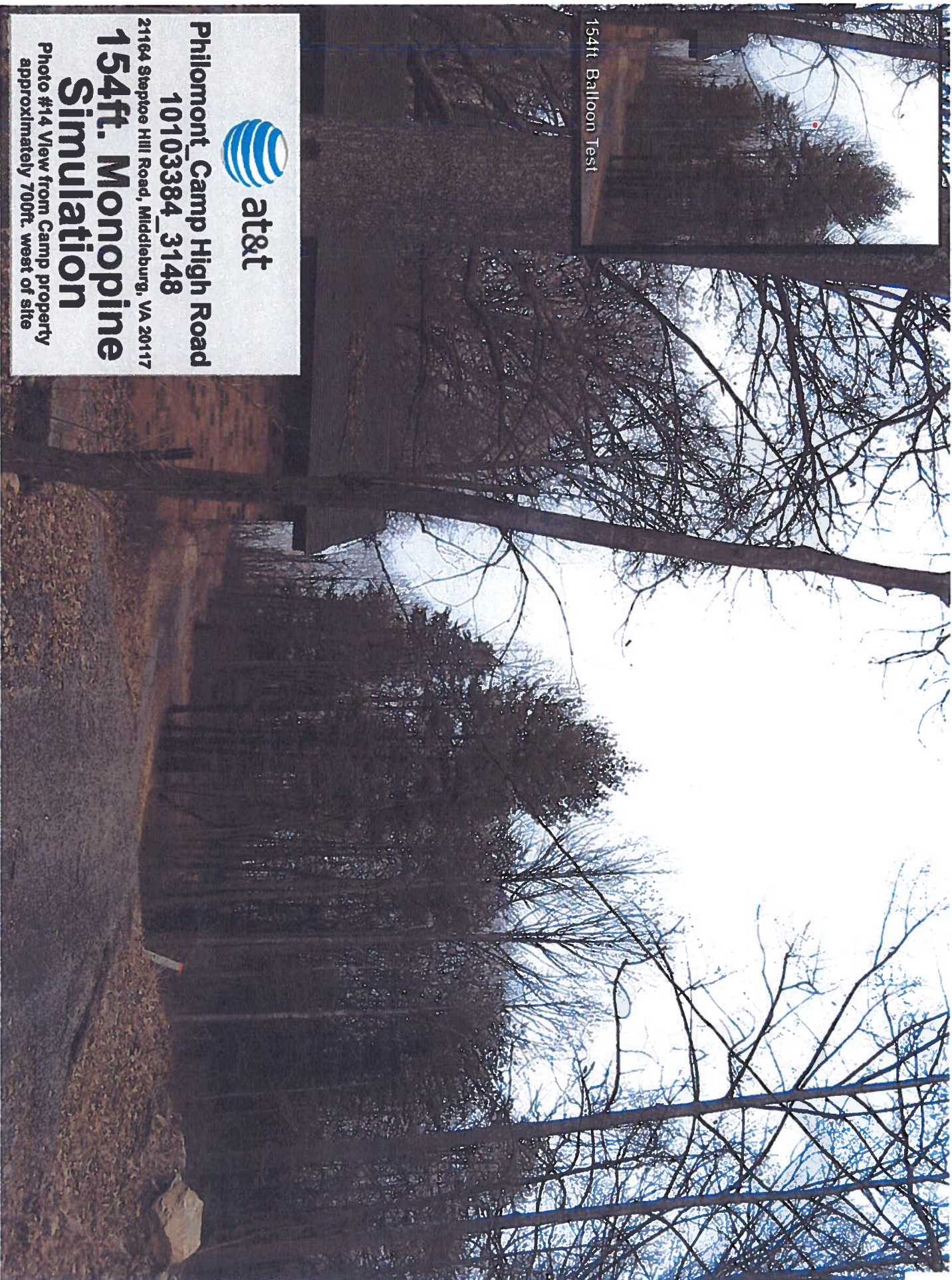


Philomont_Camp High Road
10103384_3148

21164 Steptoe Hill Road, Middleburg, VA 20117

154ft. Monopine Simulation

Photo #14 View from Camp property
approximately 700ft. west of site



154ft. Balloon Test



Philomont_Camp High Road
10103384_3148

21164 Steptoe Hill Road, Middleburg, VA 20117

154ft. Monopine Simulation

Photo #15 View from Camp Rd. behind field #1
approx. 475ft. south-southeast of site

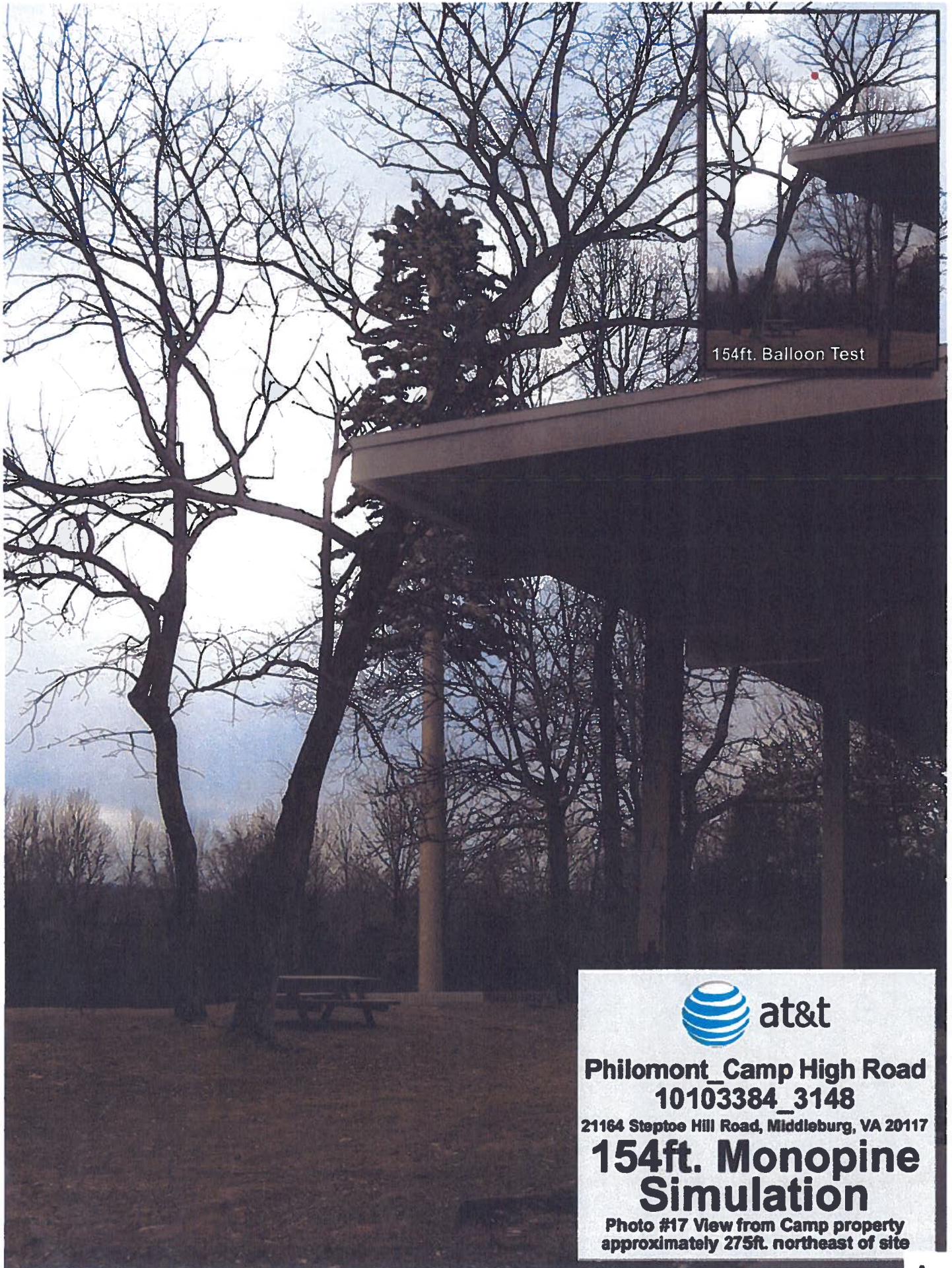
154ft. Balloon Test



Philomont Camp High Road
10103384_3148

154ft. Monopine
Simulation

21164 Steptoe Hill Road, Middleburg, VA 20117
Photo #16 View from Camp Rd. behind field #2
approximately 600ft. southeast of site



154ft. Balloon Test



**Philomont_Camp High Road
10103384_3148**

21164 Steptoe Hill Road, Middleburg, VA 20117

154ft. Monopine Simulation

Photo #17 View from Camp property
approximately 275ft. northeast of site



September 22, 2010

Sophia Fisher, Planner
Loudoun County
Department of Planning
1 Harrison St., SE., 3rd Floor, Mailstop #62
Leesburg, VA 20177-7000



Re: SPEX-2009-0016 & CMPT-2009-0005- Steptoe Hill VA

Dear Sophia:

New Cingular Wireless PCS, LLC (AT&T) acknowledges receipt of the various referral comments in reference to our land use applications. First, this letter constitutes AT&T's grants Loudoun County of an extension to the "FCC Shot Clock Ruling" through January 30, 2011. The extension will allow AT&T to finalize its resubmission package and provide Staff time to evaluate the package at its new location. Second, this letter is the response of AT&T as applicant to all comments received to date in connection with this application. Where the issue has been resolved we so state, and where applicable the revisions are also depicted on the enclosed revised Special Exception Plat dated May 28, 2010, twelve (12) copies of which are submitted herewith. Our hope is that responding to all comments in a single letter will be the most efficient way for everyone to agree what issues are resolved and which remain open.

Our responses to the various referrals and issues are as follows:

Department of Planning Referral Comments dated October 15, 2009

Staff Comment:

Staff finds that no existing tall structures are currently located within the vicinity of the proposed site and that construction of a new telecommunication facility may be justified based on network coverage requirements. However, the location of the proposed telecommunication facility on a high point is not consistent with the policies of the Plan. Staff recommends the applicant explore locating the telecommunication facility elsewhere on the subject site down slope of the current location in order to mitigate visual impacts.

Response: The Applicant has moved the location of the site to a location at a lower elevation to further mitigate the visual impact. Views from this location are very well mitigated by the surrounding vegetation and the stealthing being employed.

Staff Comment:

Staff finds the overall stealth design of the proposed telecommunication facility to be in general conformance with Plan policies. Staff recommends the applicant include propagation studies detailing the proposed tree-pole is the minimum height necessary to accommodate up to three providers. Staff recommends the conditions of approval and general notes of the plat specify the color, texture, and materials of the proposed tree-pole to ensure that the proposed construction blends with the surrounding site features and landscape.

Response: Propagation maps are enclosed to substantiate the need for the requested height. The proposed height is the absolute minimum height that will allow AT&T to meet its coverage objectives and provide space for future carriers. The Applicant has noted on Sheet A-3 of the plat the color, texture and materials of the proposed tree-pole which have been chosen to blend with the surrounding site features and landscape. The Applicant has no objection to these being conditioned in the approval of this special exception.

Staff Comment:

Staff recommends the applicant relocate the proposed tree-pole to an area on the subject site within existing vegetation at a lower elevation to mitigate the visual impact on the surrounding area. Staff further recommends a reduction in the overall height of the proposed 154-foot tree-pole to the minimum extent possible to provide coverage for the area in order to better blend with the existing trees and to mitigate any unnecessary visual impact on the surrounding area. Staff recommends the applicant include photo simulations from Goose Creek and the Goose Creek Historic District to assess any visual impacts to these resources. Staff requests letters of Intent from two other prospective telecommunication providers to justify the requested height of the proposed tree-pole.

Response: The Applicant has relocated the structure to a lower elevation near a substantial stand of mature trees to provide maximum visual mitigation. The structure was designed at the minimum height necessary to allow AT&T to meet its minimum coverage objectives and permit three carriers to provide service. The rolling terrain and dense vegetation in the vicinity of this site necessitate the height requested by the applicant. As you can see from the enclosed photo simulations, there is no adverse impact, if any views at all, from Goose Creek or the historic district. The Applicant has

reached out to other carriers to inquire about interest and intent. Typically, and especially in rural areas, carriers will allocate resources for co-location after a tower is approved and/or built. Nonetheless, AT&T is seeking early commitment and will provide letters of intent upon receipt.

Staff Comment:

Staff recommends a Tree Conservation Area (TCA) be established around the perimeter of the proposed facility to ensure existing hardwood trees are preserved and maintained during the life-time of the proposed telecommunication use of the subject site to act as a vegetative screen.

Response: The Applicant has no objection to preserving the trees around the perimeter of the site being used as a buffer.

Staff Comment:

Staff recommends relocation of the proposed tree-pole to an area outside of mountainside areas. If the proposed tree-pole or access road impacts mountainside areas, special care should be taken when planning development in these areas to avoid and mitigate environmental impacts. Staff defers to the Department of Building and Development for further review of the proposed impacts.

Response: The proposed tree-pole has been relocated to an area outside of the mountainside areas as shown on Sheet A-0A. The Applicant will utilize an existing road to access the site.

Staff Comment:

Staff requests the applicant provide documentation from the DHR regarding visual impacts of the proposed facility on historic resources for staff's review.

Response: Please find the enclosed VDHR letter dated July 7, 2010 indicating that the proposed tree-pole and associated facilities will have no adverse impact on historic resources in the affected area.

Staff Comment:

Staff recommends the applicant explore using existing vegetation instead of the required Type IV buffer surrounding the proposed telecommunication compound. Staff further recommends the applicant designate a Tree Conservation Area surrounding the proposed facility to ensure existing vegetation is preserved and maintained during the life-time of the proposed telecommunication use. Staff defers to the Environmental Review Team regarding preservation techniques for the designated Tree Conservation Area.

Response: The Applicant has no objection to using the existing vegetation to meet the required Type IV buffer where vegetation exists and has no objection to preserving this

vegetation. AT&T is currently analyzing and studying the trees to determine whether existing vegetation can be used in lieu of planting.

Staff Comment:

Staff finds the location of the proposed telecommunication facility along the ridge is inconsistent with Plan policies and recommends the applicant relocate the proposed use to a lower elevation on the subject property, within existing vegetation outside of mountainside areas. Staff further recommends the applicant reduce the overall height of the proposed tree-pole to mitigate visual impacts. The applicant should include updated propagation studies, photo simulations from Goose Creek and the Goose Creek Historic District, additional information pertaining to the color, texture, and materials of the proposed tree-pole, commitments from future telecommunication providers to justify the height of the proposed structure, and commitments to the establishment of a tree conservation area (TCA).

Response: The proposed telecommunications facility has been relocated down slope and outside the mountainside areas. Due to the rolling terrain in the vicinity of the proposed site, the height is at the minimum necessary to provide service for the minimum number of providers dictated by Section 5-618 (C)(3)(b) of the county's Ordinance. Propagation studies are enclosed to substantiate the height required to provide functional service. Photo simulations and the VDHR letter are also enclosed to substantiate that this height will not create an unnecessary visual impact on the surrounding area. The tree-pole materials information has been noted on the plat on Sheet A-3. The Applicant has no objection to a tree conservation area in the general vicinity of the facility. As soon as letters of intent from other carriers are secured, they will be supplied to the county.

Zoning Administration Comments Dated October 8, 2009

Staff Comment: Section 5-618(B)(3)(a) – The proposed monopole shall be compatible with the development in the vicinity with regards to setting, color and topography. According to the County Forester, the trees surrounding the proposed site are hardwood. The proposed monopole will be a stealth pine monopole which will not blend in with the hardwood trees. The monopole will be at a height of 154' which is significantly higher than the existing trees. Zoning staff defers to the County Forester for a recommendation of how the monopole may be designed to blend in with the existing tree cover.

Response: Applicant has consulted with the County Urban Forester, Dana Malone, who had no objection to the proposed camouflaging of the monopole or its height. [Do we have anything in writing/]

Staff Comment: Section 5-618(B)(3)(f) - The maximum permitted structure height is 12'. Correct the height in the "Table of Requirements of Section 5-618."

Response: Applicant has revised the "Table of Requirements of Section 5-618" on Sheet A-1 to reflect the maximum permitted structure height of 12 feet.

Staff Comment: Section 5-618(B)(3)(q) – Telecommunication monopoles shall not be located along ridge lines, but downslope from the top of the ridge line. The ridge line is at an elevation of approximately 570'. The monopole will be located at an elevation of approximately 567', only 3' from the top of the ridge line. From an elevation of 567', the top of the 154' high monopole will be at a height of 721' AMSL.

Response: The site has been relocated to an area downslope. In addition, the monopine is located on a 133+ acre parcel to further mitigate the visual impact.

Staff Comment: 5-618(B)(4)(c) – The applicant indicated that notification will be provided as required by Section 6-600 and provide additional outreach as necessary. Section 5-618(B)(4)(c) requires notification to those property owners abutting or immediately and diagonally across the street or road from those properties entitled to notification under 6-600. This is in addition to the notification required by Section 6-600.

Response: The Applicant agrees to comply with all noticing requirements of both Section 6-600 and Section 5-618(B)(4)(c).

Staff Comment: Site Note #13 on the title sheet states that any building constructed in connection with the use shall include such fire extinguishing system as may be required by the fire marshal at the time of occupancy permit. An occupancy permit is not required for a telecommunications monopole and related equipment. The site will be located within a heavily wooded area at the end of Step Toe Hill Road, a 14' wide existing gravel road. Zoning staff recommends that the applicant provide an explanation as to how safety from fire hazards will be accomplished.

Response: The telecommunications facility will be unmanned and requires no certificate of occupancy. Therefore, no fire extinguishing system will be required. As requested, Site Note #13 has been removed from the plans.

Staff Comment: Site Note #11 on the title sheet states that the existing wooded areas and trees are to be maintained within a 200 foot radius of the proposed compound. Zoning staff recommends that this area be included within the special exception area or designated as a tree save area.

Response: The telecommunications area has been relocated. The new location will utilize existing vegetation on one side which has been included in the Special Exception Area.

Staff Comment: Number the sheets consecutively.

Response: Sheets have been numbered consecutively as requested.

Staff Comment: Clarify the size of the compound area and the special exception area and illustrate the areas to scale.

Response: The compound area and the special exception area have been illustrated to scale and noted on Sheet A-2.

Staff Comment: Section 2-203(A)(3)(d) – In order to verify compliance, calculate the lot coverage of all buildings and structures on the parcel.

Response: Applicant has calculated the lot coverage of all buildings and structures on the parcel on Sheet A-1.

Staff Comment: Section 5-1400 - According to Section 5-1400, a type 4 landscape buffer is required on the east side of the compound and only a type 3 landscape buffer is required on the front, rear and west side of the compound. A type 4 and a type 3 landscape buffer requires a 25' minimum/30' maximum wide side and rear buffer yard. Please note that a waiver or modification of Section 5-1400 may be requested at the time of special exception application.

Response: The Type 3 & 4 buffers have been updated on the plat as depicted on Sheet A-2.

Staff Comment: Correct the elevation for the top of the monopole to 721' instead of 717". The top of the antennas on the monopole is at an elevation of 721' AMSL as shown on Sheet A-7.

Response: The monopine and associated equipment have been relocated and the correct elevations for the monopine and antennas have been noted on Sheet A-3.

VDOT Comments Dated September 22, 2009

Staff Comments: We have no objection to the approval of this application.

Response: There are no outstanding issues.

Office of Transportation Comments Dated October 30, 2009

Staff Comments: OTS has no objection to the approval of these applications.

Response: There are no outstanding issues.

Health Department Comments dated September 9, 2009

Staff Comments: This Department reviewed the package provided to this office and the plat prepared by BC Architects Engineers revised 7/13/09, and has no comments to the proposal.



Response: There are no outstanding issues.

Department of Fire, Rescue & Emergency Mgmt. Comments dated October 8, 2009

Staff Comments: **The Fire and Rescue Planning Staff, in agreement with the Fire Marshal's Office, has no objection to the applications as presented.**

Response: There are no outstanding issues.

We believe that this letter and the attached materials respond to all staff comments that we have identified, and we look forward to working with staff to resolve any remaining issues.



On behalf of AT&T, the Applicant, I request that our resolution of these issues be reviewed and that this application be set down for public hearing before the Loudoun County Planning Commission at the next available public hearing date.

New Cingular Wireless PCS, LLC

By: Bryan Cline
Bryan Cline, Agent for Applicant

Attachments

- ◆ Revised Special Exception Plat dated 9/20/10
- ◆ Propagation maps
- ◆ Photo Simulations
- ◆ VDHR letter dated July 7, 2010
- ◆ Trees Please Survey dated 9/20/10

RF Justification for PHILOMONT

Site Name: PHILOMONT

Address: 21164 Steptoe Hill Road, Middleburg, VA-20117.

The objective of this site is to provide seamless coverage on major commuter routes: Steptoe Hill Rd, Snickersville Tpke, State Hwy 729, Lime Kiln Rd, Mount Gilead Rd and surrounding areas. This site will not only fill the coverage holes but also facilitate better handoff between existing GSM sites GLENWOOD, TAMWORTH and CRESCO sites.

The attached coverage plots were propagated at -82 dBm with the Radiation Center of 150 feet for the proposed site.

Prepared by:

Paresh Kumar Rath
RF Engineer

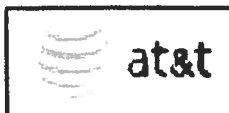
Reviewed by:

Sandeep Gupta
RF Design Manager

Approved by:

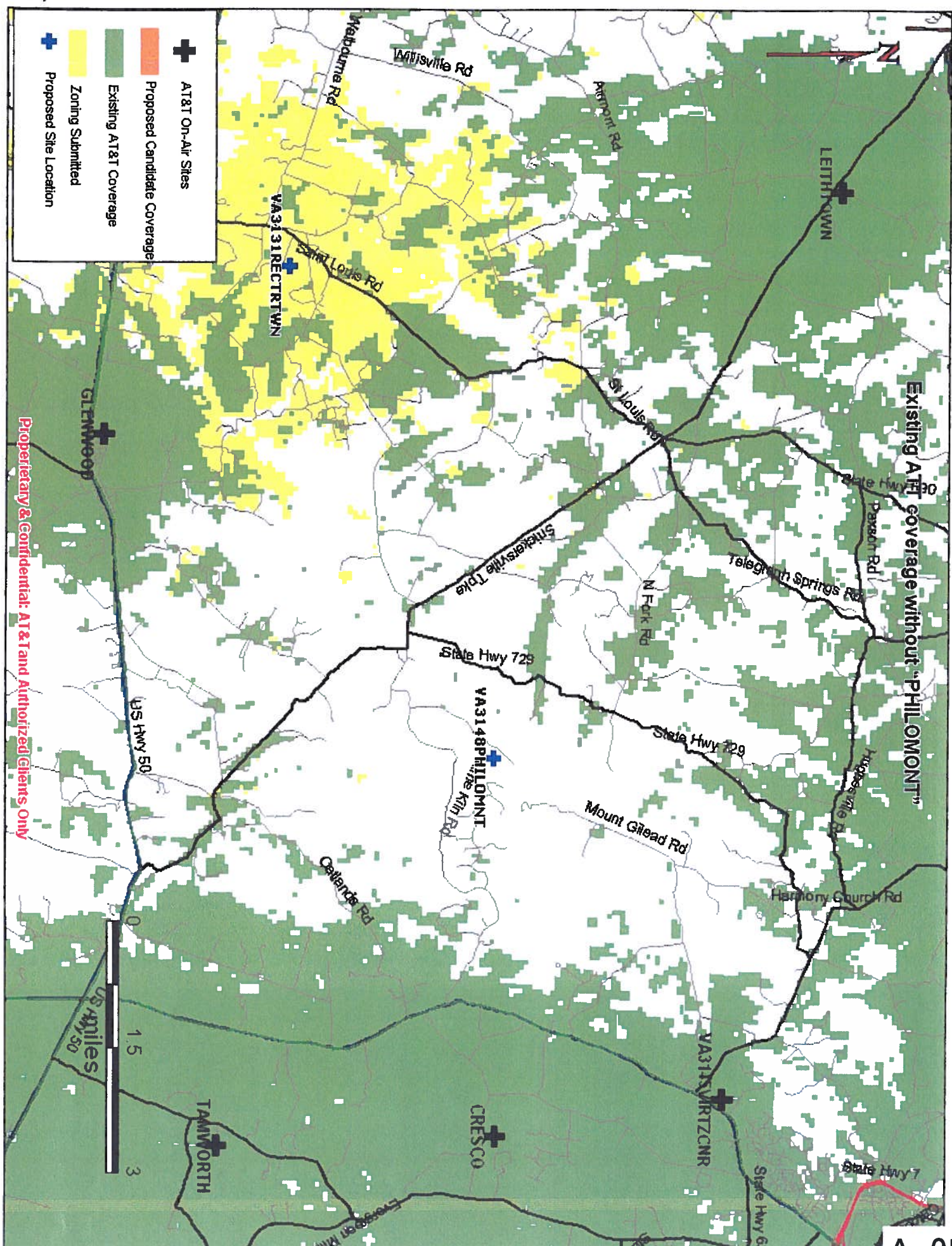
Andres Gomez
RF Manager

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Hanover, MD
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Fax: 410-712-7784



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